

Meeting of the

STRATEGIC DEVELOPMENT COMMITTEE

Thursday, 14 April 2011 at 7.00 p.m.

A G E N D A

VENUE

M71 7th Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London,
E14 2BG

Members:	Deputies (if any):
Chair: Councillor Carli Harper-Penman Vice-Chair:	
Councillor Stephanie Eaton	Councillor Tim Archer, (Designated Deputy representing Councillor Dr. Emma Jones)
Councillor Dr. Emma Jones	
Councillor Bill Turner	Councillor Peter Golds, (Designated Deputy representing Councillor Dr. Emma Jones)
Councillor Kabir Ahmed	
Councillor David Edgar	Councillor Gloria Thienel, (Designated Deputy representing Councillor Dr. Emma Jones)
Councillor Shahed Ali	

[Note: The quorum for this body is 3 Members].

If you require any further information relating to this meeting, would like to request a large print, Braille or audio version of this document, or would like to discuss access arrangements or any other special requirements, please contact: Alan Ingram, Democratic Services, Tel: 020 7364 0872, E-mail: alan.ingram@towerhamlets.gov.uk

LONDON BOROUGH OF TOWER HAMLETS
STRATEGIC DEVELOPMENT COMMITTEE

Thursday, 14 April 2011

7.00 p.m.

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2. DECLARATIONS OF INTEREST

To note any declarations of interest made by Members, including those restricting Members from voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992. See attached note from the Chief Executive.

3. UNRESTRICTED MINUTES

To confirm as a correct record of the proceedings the unrestricted minutes of the ordinary meeting of the Strategic Development Committee held on 7th March 2011.

PAGE NUMBER	WARD(S) AFFECTED
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3 - 12	
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4. RECOMMENDATIONS

To RESOLVE that:

- 1) in the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes is delegated to the Corporate Director Development and Renewal along the broad lines indicated at the meeting; and
- 2) in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Corporate Director Development and Renewal is delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision.

5. PROCEDURE FOR HEARING OBJECTIONS

To NOTE the procedure for hearing objections at meetings of the Strategic Development Committee.

13 - 14

Please note that the deadline for registering to speak at this meeting is:

4.00 pm on Tuesday 12 April 2011

6. DEFERRED ITEMS

15 - 16

7. PLANNING APPLICATIONS FOR DECISION

17 - 18

7 .1 438-490 Mile End Road, E1

19 - 140

**Mile End &
Globe Town;
Spitalfields
&
Banglatown;**

7 .2 Land bounded by Norton Folgate, Fleur De Lis Street, Blossom Street, Folgate Street, London

141 - 188

Since agenda publication, this item has been withdrawn.

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Agenda Item 2

DECLARATIONS OF INTERESTS - NOTE FROM THE CHIEF EXECUTIVE

This note is guidance only. Members should consult the Council's Code of Conduct for further details. Note: Only Members can decide if they have an interest therefore they must make their own decision. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending at a meeting.

Declaration of interests for Members

Where Members have a personal interest in any business of the authority as described in paragraph 4 of the Council's Code of Conduct (contained in part 5 of the Council's Constitution) then s/he must disclose this personal interest as in accordance with paragraph 5 of the Code. Members must disclose the existence and nature of the interest at the start of the meeting and certainly no later than the commencement of the item or where the interest becomes apparent.

You have a **personal interest** in any business of your authority where it relates to or is likely to affect:

- (a) An interest that you must **register**
- (b) An interest that is not on the register, but where the well-being or financial position of you, members of your family, or people with whom you have a close association, is likely to be affected by the business of your authority more than it would affect the majority of inhabitants of the ward affected by the decision.

Where a personal interest is declared a Member may stay and take part in the debate and decision on that item.

What constitutes a prejudicial interest? - Please refer to paragraph 6 of the adopted Code of Conduct.

Your personal interest will also be a prejudicial interest in a matter if (a), (b) and either (c) or (d) below apply:-

- (a) A member of the public, who knows the relevant facts, would reasonably think that your personal interests are so significant that it is likely to prejudice your judgment of the public interests; AND
- (b) The matter does not fall within one of the exempt categories of decision listed in paragraph 6.2 of the Code; AND EITHER
- (c) The matter affects your financial position or the financial interest of a body with which you are associated; or
- (d) The matter relates to the determination of a licensing or regulatory application

The key points to remember if you have a prejudicial interest in a matter being discussed at a meeting:-

- i. You must declare that you have a prejudicial interest, and the nature of that interest, as soon as that interest becomes apparent to you; and
- ii. You must leave the room for the duration of consideration and decision on the item and not seek to influence the debate or decision unless (iv) below applies; and

- iii. You must not seek to improperly influence a decision in which you have a prejudicial interest.

- iv. If Members of the public are allowed to speak or make representations at the meeting, give evidence or answer questions about the matter, by statutory right or otherwise (e.g. planning or licensing committees), you can declare your prejudicial interest but make representations. However, you must immediately leave the room once you have finished your representations and answered questions (if any). You cannot remain in the meeting or in the public gallery during the debate or decision on the matter.

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE

HELD AT 10.00 A.M. ON MONDAY, 7 MARCH 2011

**COUNCIL CHAMBER, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG**

Members Present:

Councillor Carli Harper-Penman (Chair)

Councillor Dr. Emma Jones
Councillor Bill Turner
Councillor Kabir Ahmed
Councillor David Edgar
Councillor Shahed Ali

Other Councillors Present:

Nil

Officers Present:

Megan Nugent	– (Legal Services Team Leader, Planning, Chief Executive's)
Jerry Bell	– (Strategic Applications Manager Development and Renewal)
Alison Thomas	– (Private Sector and Affordable Housing Manager, Development & Renewal)
Pete Smith	– (Development Control Manager, Development and Renewal)
Jane Jin	– (Planning Officer)
Elaine Bailey	– (Strategic Applications Planner)
Alan Ingram	– (Democratic Services)

COUNCILLOR CARLI HARPER-PENMAN (CHAIR) IN THE CHAIR

1. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor Stephanie Eaton.

2. DECLARATIONS OF INTEREST

Councillor	Item(s)	Type of Interest	Reason
David Edgar	8.1	Personal	The report contained references to the Leaside Regeneration Company, of which he was a Council nominated Board Member.
Carli Harper-Penman	8.1	Personal	She was an owner occupier of a property in Bow Quarter, the freehold for which was owned by Ballymore Group. However she had no financial interest in that Group.

3. UNRESTRICTED MINUTES

The Committee **RESOLVED**

That the unrestricted minutes of the meeting of the Committee held on 20 January 2011 be agreed as a correct record and signed by the Chair.

4. RECOMMENDATIONS

The Committee **RESOLVED** that:

- 1) In the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes is delegated to the Corporate Director, Development and Renewal along the broad lines indicated at the meeting; and
- 2) In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Corporate Director, Development and Renewal is delegated authority to do so,

provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision.

5. PROCEDURE FOR HEARING OBJECTIONS

The Committee noted the procedure for hearing objections.

6. DEFERRED ITEMS

Nil items.

7. PLANNING APPLICATIONS FOR DECISION

7.1 Bow Enterprise Park, Cranwell Close, London

At the request of the Chair, Mr Pete Smith, Development Control Manager, introduced the circulated report and **Tabled** update report concerning the application for planning permission at Bow Enterprise Park, Cranwell Close, London (Ref. No. PA/10/1734). He indicated that the proposal for A5 Class Use had now been removed as a result of negotiations with the applicant.

At the request of the Chair, Mr Jerry Bell, Strategic Applications Manager, made a detailed presentation of the report and update. He commented that there had been no objections from stakeholders and the proposal was considered to deliver an employment-led mixed use residential scheme which would safeguard the employment uses on site and facilitate locally-based employment, training and local labour opportunities for the local community, together with identified public realm improvements. The proposal would provide an acceptable amount of affordable housing and mix of units

The Chair invited questions from Members, who raised points regarding:

- the split of parking spaces allocated between affordable housing and full market housing units;
- whether there were open plan housing units;
- the future of businesses currently located in the Enterprise Park;
- intermediate family housing provision;
- the calculation of 144 resultant child places and consequent play space provision;
- whether or not the development would be gated;
- the level of density proposed for the development and whether the S106 reflected appropriate mitigation for transport and other related issues;
- the balance of car club spaces and electric vehicle points;
- whether there would be right to buy or acquire relating to larger family units.

Mr Bell responded to the questions in detail, indicating that some units were open plan in the market sector; the site owners and current occupiers would need to work out commercial arrangements for businesses but Officers were happy with the mix of business and employment opportunities; child numbers and play space had been calculated according to the existing formula and the proposals exceeded requirements; play equipment would be provided; this would not be a gated development; the housing mix was considered suitable as proposed; suitable density of developments was assessed using a variety of elements; the S106 contribution had been tested by Viability Consultants and had been directed in the main towards health and education provision with some £400,000 from TfL to mitigate for the impact on the bus network.

Ms Alison Thomas, Private Sector and Affordable Housing Manager, confirmed that Registered Social Landlords gave right to acquire facilities and intermediate homes were risky to provide from a Housing Association point of view due to relatively large costs putting them out of reach of most families.

Councillor Shahed Ali proposed an amendment, seconded by Councillor Kabir Ahmed, "That a condition be added for details of proposed uses of parking spaces between affordable and full market housing to be referred to Officers for approval at a later date." On being put to the vote, the amendment was declared **carried** unanimously.

On a vote of five for and one against, the Committee **RESOLVED**

- (1) That planning permission be **GRANTED** at Bow Enterprise Park, Cranwell Close, London, for the demolition of existing buildings and erection of new buildings between 3 to 20 storeys plus basement and comprising Use Class B1 (up to 6220 sq.m.), flexible Use Class A1/A2/A3/A5 (up to 490 sq.m.), 557 residential units (Use Class C3) (up to 46,844 sq.m.) comprising 217 x 1bed, 234 x 2bed, 93 x 3bed, 6 x 4bed, 7 x 6bed with associated landscaping, highways and infrastructure works, subject to any direction by the Mayor of London, the prior completion of a legal agreement to secure planning obligations, and to the planning conditions and informatives as set out in the circulated report and amended by the update report **Tabled** at the meeting.
- (2) That a further condition be added as follows:

"That details of proposed uses of parking spaces between affordable and full market housing be referred to Officers for approval at a later date."
- (3) That the Corporate Director Development & Renewal be delegated authority to negotiate the legal agreement indicated in resolution (1) above.

- (4) That the Corporate Director Development & Renewal be delegated authority to issue planning conditions and informatives to secure the matters listed in the circulated report.
- (5) That, if within three months of the date of this committee the legal agreement has not been completed, the Corporate Director Development & Renewal be delegated the power to refuse planning permission.

8. OTHER PLANNING ITEMS

8.1 Leamouth Peninsula North, Orchard Place, London, E14

At the request of the Chair, Mr Pete Smith, Development Control Manager, introduced the circulated report and **Tabled** update report concerning the application for planning permission at Leamouth Peninsula North, Orchard Place, London, E14 (PA/10/1864). He indicated that amendments had been proposed by the developer and details thereof, together with additional consultation responses, were contained in the update report.

At the request of the Chair, Mr Jerry Bell, Strategic Applications Manager, made a detailed presentation as to why Officers were recommending that the Committee make a formal objection against the application. He commented that Officers were dissatisfied with the proposals for affordable housing provision and the proposed triggers for additional financial contributions; the proposed inclusion of a bridge in the S106 package when it was felt that this was more properly a development cost; unresolved concerns from the Port of London Authority about proposals for the bridge; unresolved environmental concerns.

In response to questions from Members, Mr Bell indicated that there were proposals to increase bus services to the south end of the site when the rotunda was closed (1.00 am – 5.00 am) and there was a convoluted access route to the top end of the site but this raised concerns around safety issues. Any objection raised by the Committee would be put before the London Thames Gateway Development Corporation on 10 March 2011, when they would consider the application.

The Chair stated that a decision was now required and, on a **unanimous** vote, it was **RESOLVED**

- (1) That the Committee formally object to the application made by the London Thames Gateway Development Corporation (LTGDC) at Leamouth Peninsula North, Orchard Place, London, E14 for hybrid planning application for the comprehensive redevelopment of the Leamouth peninsula for mixed-use development to provide up to 185,077 sq.m (GEA) of new floor space and up to 1,706 residential units (use class C3) comprising:

1) Full planning application for development of **Phase 1**, at the southern end of the site, comprising the erection of 5 buildings, namely G, H, I, J & K, and alterations to existing building N, to provide:

- 537 residential units (use class C3)
- 5,424sqm of office and flexible business workspace (use class B1)
- 382sqm retail, financial and professional services, food and drink (use class A1, A2, A3, A4 A5)
- 1,801sqm of leisure (use class D2)
- 1,296sqm of community uses (use class D1)
- 249sqm art gallery (use class D1)
- 2,390sqm energy centre 275 car parking spaces

2) Outline planning application for **Phase 2**, at the northern end of the site, comprising Buildings A, B, C, D E, F & M (with all matters reserved except for access and layout) and to provide:

- Maximum of 1,169 residential units (use class C3)
- 2,424sqm of office and flexible business workspace (use class B1)
- 1,470sqm of retail, financial and professional services, food and drink (use class A1, A2, A3, A4 A5)
- 1,800sqm of arts and cultural uses floorspace (use class D1)
- 4,800sqm of educational floorspace (use class D1)
- Storage and car and cycle parking
- Formation of a new pedestrian access (river bridge) across the River Lea
- Formation of a new vehicular access and means of access and circulation within the site, new private and public open space and landscaping and works to the river walls.

(2) That such formal objection be made, as set out in the circulated report and the update report **Tabled** at the meeting, on the grounds that:

(i) The provision of 19.6% affordable housing (or 11% without grant funding) together with the proposed cascade mechanism would fail to contribute towards meeting the borough's affordable housing need and affordable housing targets, contrary to the aims of PPS3, Policy

3A.9 of the London Plan (2008), Policy HSG3 of the IPG (2007) and Policy SP02 in the Core Strategy (2010) which seek to ensure the borough meets the overall strategic target for affordable housing.

(ii) The overall under provision of family housing would result in an unacceptable housing mix contrary to policy 3A.9 and 3A.10 in London plan, policy HSG2 and HSG3 in the IPG (2007) and policy SP02 in the Core Strategy (2010) which seek to ensure developments provide an appropriate housing mix to meet the needs of the borough.

(iii) Given the significance of this strategic site in terms of the Council's overall growth agenda and the vision for Leamouth (especially housing growth, the provision of affordable housing, improved connectivity and the delivery of required social/community infrastructure to support development), the proposal, viewed alongside financial viability constraints and the inability of the scheme to satisfactorily mitigate the various impacts and accommodate associated infrastructure requirements, will fail to deliver a sustainable, liveable, vibrant, accessible and inclusive community, contrary to policies S01, SP02 and SP13 of the adopted Core Strategy (2010).

(iv) The proposal, by virtue of the proposed solid encroachment of the northern bridge landing on to the foreshore, fails to provide sufficient information to ensure necessary mitigation against nature conservation contrary to Policy 3D.14 and Policy 4B.1 of the London Plan (2008); the London Biodiversity Action Plan (2008); Policy DEV57 of Tower Hamlets UDP (1998) (saved policies); Policy DEV7 of Tower Hamlets IPG (2007) and Policy SP04 of Tower Hamlets Core Strategy (2010) which seeks to protect and enhance biodiversity value.

(v) The proposed encroachment of the northern bridge landing into the river is likely to impede flood flow and/or reduce storage capacity, thereby increasing the risk of flooding contrary to PPS25, Policy 4A.13 of the London Plan (2008), Policy DEV21 of Tower Hamlets IPG (2007) and Policy SP04 of the Core Strategy (2010) which seek to reduce the risk and impact of flooding.

(vi) The encroachment of the northern bridge landing in to the deepest part of the river is considered to have adverse impact on the navigational function of the river, and considered unacceptable by the Council and the Port of London Authority, contrary to Policy SP04 (4) of the Core Strategy (2010) and Policy OSN3 of the IPG (2007) which seek to deliver a network of high quality usable and accessible water spaces through protecting and safeguarding existing water spaces from inappropriate development and using water spaces for movement and transport.

(3) That notwithstanding the position outlined above, if LTGDC is minded to approve the application this should be subject to conditions relating to:

- Permission valid for 3 years
- Submission of reserved matters
- Approved plans
- Accordance with approved phasing plan
- Constructed in accordance with the drawings hereby approved
- Contamination remediation reports
- Landscape plan
- Details of disabled access and egress
- Details of emergency access and widening works
- Details and samples of external materials
- Ambient noise & noise insulation
- Refuse store details
- External lighting scheme
- Details of the proposed unit sizes for the A1- A5 uses
- Restriction to level of A5 floorspace
- Details of opening hours of non residential uses
- Details of directional signage and way finding
- Details of shared surfaces and cycling route
- Details of cycle storage
- Lifetime Homes
- 10% wheelchair accessible units
- Security management scheme & secured by design details
- Sustainable Homes Code Level 4
- BREEAM rating of excellent
- Details on CHP, swimming pool heat load and site heat network.
- Further details regarding PV technologies
- Construction management plan
- Environmental management plan
- Details of ventilation/extraction for non-residential uses
- Details of shared surface and boundary treatment
- Details of post excavation work (following previous programme of recording and historic analysis)
- Design details and method statements for ground floor structures to ensure the proposed location of Crossrail structures and tunnels.
- Details on fire brigade access and water supplies and ring main
- Drainage plans including details of minimum water pressure head and flow rates
- Details of en-route aviation obstruction lighting at the top of the tallest structure
- Separate systems of drainage for foul and surface water
- No building/other obstruction within 3m of public sewer
- Restriction of 1995 Permitted Development Rights
- 20% electric vehicle charging points

- Further potential work required regarding the precise location of proposed bus stop
 - Car park management strategy
 - Further details showing design of Building N
 - Ecological Improvements, including details of:
 - Reed bed planting and intertidal terraces
 - At least 6,000sqm of brown roofs
 - Timber baulking on all sections of river wall
 - Nest boxes for peregrine falcons on tall buildings.
 - A swift tower to provide multiple nest sites for swifts
 - 11 nest sites in the river walls for kingfishers and sand martins.
 - Other nest boxes for birds including black redstarts, house martins and grey wagtails
 - Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal.
- (4) That Members of the Strategic Development Committee be kept informed of the results of this objection and the progress of the application.

ANY OTHER BUSINESS

Huntingdon Estate/Fleet Street Hill Planning Application

At the request of the Chair, Mr Peter Smith, Development Control Manager, gave details of the above impending complex applications and stated that it would be useful for Members to inspect the site informally.

It was agreed that Members so wishing should contact the Development Control Manager for a briefing on the Huntingdon Estate/Fleet Street Hill application before this is submitted to Committee.

The meeting ended at 8.30 p.m.

Chair, Councillor Carli Harper-Penman
Strategic Development Committee

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Agenda Item 5

DEVELOPMENT COMMITTEE STRATEGIC DEVELOPMENT COMMITTEE

PROCEDURES FOR HEARING OBJECTIONS AT COMMITTEE MEETINGS

- 6.1 Where a planning application is reported on the "Planning Applications for Decision" part of the agenda, individuals and organisations which have expressed views on the application will be sent a letter that notifies them that the application will be considered by Committee. The letter will explain the provisions regarding public speaking. The letter will be posted by 1st class post at least five clear working days prior to the meeting.
- 6.2 When a planning application is reported to Committee for determination the provision for the applicant/supporters of the application and objectors to address the Committee on any planning issues raised by the application, will be in accordance with the public speaking procedure adopted by the relevant Committee from time to time.
- 6.3 All requests from members of the public to address a Committee in support of, or objection to, a particular application must be made to the Committee Clerk by 4:00pm one clear working day prior to the day of the meeting. It is recommended that email or telephone is used for this purpose. This communication must provide the name and contact details of the intended speaker and whether they wish to speak in support of or in objection to the application. Requests to address a Committee will not be accepted prior to the publication of the agenda.
- 6.4 Any Committee or non-Committee Member who wishes to address the Committee on an item on the agenda shall also give notice of their intention to speak in support of or in objection to the application, to the Committee Clerk by no later than 4:00pm one clear working day prior to the day of the meeting.
- 6.5 For objectors, the allocation of slots will be on a first come, first served basis.
- 6.6 For supporters, the allocation of slots will be at the discretion of the applicant.
- 6.7 After 4:00pm one clear working day prior to the day of the meeting the Committee Clerk will advise the applicant of the number of objectors wishing to speak and the length of his/her speaking slot. This slot can be used for supporters or other persons that the applicant wishes to present the application to the Committee.
- 6.8 Where a planning application has been recommended for approval by officers and the applicant or his/her supporter has requested to speak but there are no objectors or Members registered to speak, then the applicant or their supporter(s) will not be expected to address the Committee.
- 6.9 Where a planning application has been recommended for refusal by officers and the applicant or his/her supporter has requested to speak but there are no objectors or Members registered to speak, then the applicant and his/her supporter(s) can address the Committee for up to three minutes.
- 6.10 The order of public speaking shall be as stated in Rule 5.3.
- 6.11 Public speaking shall comprise verbal presentation only. The distribution of additional material or information to Members of the Committee is not permitted.
- 6.12 Following the completion of a speaker's address to the Committee, that speaker shall take no further part in the proceedings of the meeting unless directed by the Chair of the Committee.
- 6.13 Following the completion of all the speakers' addresses to the Committee, at the discretion of and through the Chair, Committee Members may ask questions of a speaker on points of clarification only.
- 6.14 In the interests of natural justice or in exceptional circumstances, at the discretion of the Chair, the procedures in Rule 5.3 and in this Rule may be varied. The reasons for any such variation shall be recorded in the minutes.
- 6.15 Speakers and other members of the public may leave the meeting after the item in which they are interested has been determined.

- For each planning application up to two objectors can address the Committee for up to three minutes each. The applicant or his/her supporter can address the Committee for an equivalent time to that allocated for objectors.
- For each planning application where one or more Members have registered to speak in objection to the application, the applicant or his/her supporter can address the Committee for an additional three minutes.

Agenda Item 6

Committee: Strategic Development	Date: 14 April 2011	Classification: Unrestricted	Agenda Item No: 6
Report of: Corporate Director of Development and Renewal		Title: Deferred items	
Originating Officer: Owen Whalley		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

- 1.1 This report is submitted to advise the Committee of planning applications that have been considered at previous meetings and currently stand deferred.
- 1.2 There are currently no items that have been deferred.

2. RECOMMENDATION

- 2.1 That the Committee note the position relating to deferred items.

LOCAL GOVERNMENT ACT 2000 (Section 97)
LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THIS REPORT

Brief Description of background papers:
Application, plans, adopted UDP. draft
LDF and London Plan

Tick if copy supplied for register

Name and telephone no. of holder:
Eileen McGrath (020) 7364 5321

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Agenda Item 7

Committee: Strategic Development	Date: 14 April 2011	Classification: Unrestricted	Agenda Item No: 7
Report of: Corporate Director Development and Renewal		Title: Planning Applications for Decision	
Originating Officer: Owen Whalley Service Head, Planning & Building Control		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

- 1.1 In this part of the agenda are reports on planning applications for determination by the Committee. Although the reports are ordered by application number, the Chair may reorder the agenda on the night. If you wish to be present for a particular application you need to be at the meeting from the beginning.
- 1.2 The following information and advice applies to all those reports.

2. FURTHER INFORMATION

- 2.1 Members are informed that all letters of representation and petitions received in relation to the items on this part of the agenda are available for inspection at the meeting.
- 2.2 Members are informed that any further letters of representation, petitions or other matters received since the publication of this part of the agenda, concerning items on it, will be reported to the Committee in an Addendum Update Report.

3. ADVICE OF ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICES)

- 3.1 The relevant policy framework against which the Committee is required to consider planning applications comprises the development plan and other material policy documents. The development plan is:
- the adopted Tower Hamlets Unitary Development Plan (UDP)1998 as saved September 2007
 - the London Plan 2008 (Consolidated with alterations since 2004)
 - the Tower Hamlets Core Strategy Development Plan Document 2025 adopted September 2010
- 3.2 Other material policy documents include the Council's Community Plan, "Core Strategy LDF" (Submission Version) Interim Planning Guidance (adopted by Cabinet in October 2007 for Development Control purposes) Planning Guidance Notes and government planning policy set out in Planning Policy Guidance & Planning Policy Statements.
- 3.3 Decisions must be taken in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the

LOCAL GOVERNMENT ACT 2000 (Section 97)

LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 7

Brief Description of background papers:

Application, plans, adopted UDP, Interim
Planning Guidance and London Plan

Tick if copy supplied for register:

Name and telephone no. of holder:

Eileen McGrath (020) 7364 5321

Development Plan unless material planning considerations support a different decision being taken.

- 3.4 Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects listed buildings or their settings, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.
- 3.5 Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 3.6 Whilst the adopted UDP 1998 (AS SAVED) is the statutory development plan for the borough (along with the London Plan), it will be replaced by a more up to date set of plan documents which will make up the Local Development Framework. As the replacement plan documents progress towards adoption, they will gain increasing status as a material consideration in the determination of planning applications.
- 3.7 The reports take account not only of the policies in the statutory UDP 1998 but also the emerging plan and its more up-to-date evidence base, which reflect more closely current Council and London-wide policy and guidance.
- 3.8 In accordance with Article 22 of the General Development Procedure Order 1995, Members are invited to agree the recommendations set out in the reports, which have been made on the basis of the analysis of the scheme set out in each report. This analysis has been undertaken on the balance of the policies and any other material considerations set out in the individual reports.

4. PUBLIC SPEAKING

- 4.1 The Council's constitution allows for public speaking on these items in accordance with the rules set out in the constitution and the Committee's procedures. These are set out at Agenda Item 5.

5. RECOMMENDATION

- 5.1 The Committee to take any decisions recommended in the attached reports.

Agenda Item 7.1

Committee: Strategic Development	Date: 14 th April 2011	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director of Development and Renewal		Title: Application for planning permission	
Case Officer: Jerry Bell		Ref: PA/10/2091	
		Ward: Mile End and Globe Town	

1. APPLICATION DETAILS

Location: 438-490 Mile End Road, E1.

Existing use: Cleared site. Previously occupied by motor vehicle showroom with ancillary, workshop and offices together with an adjoining bar / nightclub.

Current Proposal: Amendments to planning application reference PA/09/01916 for demolition of existing structures and erection of new building ranging from 3 to 9 storeys to provide a new education facility comprising: teaching accommodation and associated facilities; student housing; cycle, car-parking, refuse and recycling facilities being:

- (a) revised refuse storage arrangements;
- (b) revised arrangements for bike storage; and
- (c) a revised main entrance door configuration..

Drawing Nos:

- 4118-A-0100-P1, 4118-A-0101-P1, 4118-A-0102-P1, 4118-A-0103-P1, 4118-A-0104-P1, 4118-A-0105-P1, 4118-A-0106-P2, 4118-A-0107-P2, 4118-A-0108-P1, 4118-A-0109-P1, 4118-A-0110-P1, 4118-A-0111-P2, 4118-A-0112-P2, 4118-A-0113-P2, 4118-A-0114-P2, 4118-A-0115-P2, 4118-A-0116-P2, 4118-A-0117-P2, 4118-A-0118-P2, 4118-A-0119-P2, 4118-A-0120-P1, 4118-A-0200-P1, 4118-A-0201-P3, 4118-A-0202-P2, 4118-A-0203-P2, 4118-A-0204-P3, 4118-A-0205-P1, 4118-A-0206-P3, 4118-A-0301-P2, 4118-A-0302-P2, 4118-A-0303-P2, 4118-A-0304-P2, 4118-A-0305-P2, 4118-A-0306-P2, 4118-A-0307-P2, 4118-A-0308-P2, 4118-A-0309-P2, 4118-A-0310-P2, 4118-A-0400-P1, 4118-A-0401-P2 and 4118-A-0402-P2.

LOCAL GOVERNMENT ACT 2000 (Section 97) LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THIS REPORT

Brief Description of background paper:	Tick if copy supplied for register	Name and telephone no. of holder
Application case file, plans, adopted UDP, London Plan, adopted Core Strategy 2010		Development Control 020 7364 5338

- Design and Access Statement incorporating Planning Statement and Impact Statement
- Acoustic Report
- Air Quality Assessment
- Geo-technical Report
- Sustainability and Energy Statement
- Transport Assessment
- Accurate Verified Views

Applicant: INTO University Partnerships and Mile End Limited Partnership.

Owners: INTO University Partnerships and Mile End Limited Partnership.

Historic Buildings: None on site. To the west, Drinking Fountain and Clock Tower, the Queen's Building and adjoining administrative building of Queen Mary University are listed Grade II. Opposite, at Nos. 331–333 Mile End Road, the boundary wall of the cemetery of the Spanish and Portuguese Jewish Congregation Queen Mary, University of London is Grade II listed. To the east, No. 357 Mile End Road and Nos. 359 to 373 Mile End Road are locally listed, the Guardian Angels Roman Catholic Church and Presbytery, No. 377 Mile End Road are listed Grade II.

Conservation Areas: No. The Regent's Canal Conservation Area adjoins to the east and the Clinton Road Conservation Area lies to the north east.

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1. The local planning authority has considered the particular circumstances of the application against the policies contained in The London Plan 2008, the Greater London Authority's Sub Regional Development Framework - East London 2006, the Council's saved planning policies contained in the Tower Hamlets Unitary Development Plan (1998), the Council's Interim Planning Guidance (2007), the adopted Tower Hamlets Core Strategy (2010), associated supplementary planning guidance and Government Planning Policy Guidance and has found that:

- The provision of a new education facility comprising teaching accommodation, student housing and associated facilities is supported by policies 3A.1 and 3A.25 of The London Plan 2008, policy and HSG14 of the Tower Hamlets Unitary Development Plan 1998, policy EE2 of the council's interim planning guidance 2007 and policy SP02 7. of the adopted Tower Hamlets Core Strategy 2010 which provides for the specialist housing needs of the borough through working with the borough's universities to enable the appropriate provision of student accommodation that meets identified needs by:
 - i. Focusing student accommodation supporting London Metropolitan University at Aldgate or on locations that have good public transport accessibility (PTAL 5 to 6); and
 - ii. Focusing student accommodation supporting Queen Mary University London in close proximity to the University.

- The scheme would not result in the overdevelopment of the site or result in any of the problems typically associated with overdevelopment. As such, the scheme is in line with policy 3A.3 of The London Plan (consolidated with alterations since 2004), saved policies DEV1 and DEV2 of the Tower Hamlets Unitary Development Plan (1998) and policies DEV1 and DEV2 of the Council's Interim Planning Guidance (2007), which seek to provide an acceptable standard of development throughout the borough.
- The building in terms of height, scale, design and appearance is acceptable and in line with policies 4B.10, 4B.11, 4B.12 and 4B.14 of The London Plan (consolidated with alterations since 2004), saved policy DEV1 of the Tower Hamlets Unitary Development Plan 1998, policy DEV2 of the Council's Interim Planning Guidance (2007) and policy SP10 of the adopted Tower Hamlets Core Strategy (2010) which seek to ensure development is of a high quality design.
- Subject to conditions requiring the submission of full details and samples materials and elevational treatments, the scheme is considered to enhance the street scene and local context, posing no significant adverse impact on the character, appearance and setting of the nearby Grade II listed building nor the character and appearance of the nearby Regent's Canal and the Clinton Road Conservation Areas, in accordance with PPS5, Policy 4B.1 and 4B.8 of the Mayor's London Plan (consolidated with alterations since 2004) as well as Policy DEV1 of the LBTH UDP (1998), policies DEV2, CON1 and CON2 of the Interim Planning Guidance (2007) and policy SP10 of the Core Strategy (2010) which seek to protect and enhance heritage assets and their settings.
- Transport matters, including vehicular and cycle parking, vehicular and pedestrian access and servicing arrangements are acceptable and in line with saved policy T16 of the Tower Hamlets Unitary Development Plan (1998), policies DEV16, DEV17, DEV18 and DEV19 of the Council's Interim Planning Guidance (2007), and national advice in PPG13 which seek to ensure developments can be supported within the existing transport infrastructure.
- Sustainability and renewable energy matters are appropriately addressed in line with policies 4A.7 – 4A.9 of The London Plan, policies DEV5 to 9 and DEV 11 of the Council's interim planning guidance 2007, and policy SP11 of the adopted Tower Hamlets Core Strategy 2010 which seek to ensure development is sustainable due to reduced carbon emissions, design measures, water quality, conservation, sustainable drainage, and sustainable construction materials.
- The development would not adversely affect air quality, in line with London Plan (consolidated with alterations since 2004) policy 4A.19 and policy DEV11 of the Council's Interim Planning Guidance (2007).
- The management of the demolition and construction phase would accord with policy DEV12 of the Council's Interim Planning Guidance (2007).
- Contributions have been secured towards environmental improvements forming part of the High Street 2012 project; pedestrian facilities on Mile End Road, community education initiatives and cultural facilities including the Bancroft Library; together with the implementation of travel plans, car free

arrangements, and arrangements to ensure that accommodation within the teaching facility is available to the public. This is in line with Circular 05/2005, the Community Infrastructure Levy Regulations (2010), policy 6A.5 of The London Plan (consolidated with alterations since 2004), policy DEV4 of the Tower Hamlets Unitary Development Plan 1998, policy IMP1 of the Council's Interim Planning Guidance (2007) and policy SP13 of the adopted Tower Hamlets Core Strategy (2010), which seek to secure contributions toward infrastructure and services required to facilitate development.

3. RECOMMENDATIONS

3.1. That the Committee resolves to **GRANT** planning permission subject to:

A. Any **direction** by **The Mayor**

B. The prior completion of a legal agreement, to the satisfaction of the Chief Legal Officer, to secure the following:

1. The student residential accommodation shall only be occupied for the predominant part of the year by students attending the INTO education facility, Queen Mary University of London, or from the previously agreed list of other further educational establishments or as has been approved in writing by the local planning authority.
2. In perpetuity; no part of the student residential accommodation shall be used as a Use Class C3 dwellinghouse.
3. On commencement of development a financial contribution of £120,000 towards environmental improvements within the Mile End Intersection Area Study of the High Street 2012 project.
4. On commencement of development a £20,000 contribution to Transport for London to enhance the pedestrian crossing on Mile End Road.
5. On commencement of development a contribution of £100,000 towards local community education initiatives and cultural facilities.
6. On commencement of development a contribution of £20,000 towards local employment and training initiatives.
7. On commencement of development a £500,000 contribution for improvements to the Bancroft Library or for other improvements to library or cultural facilities within the vicinity of the development.
8. Prior to first occupation of the development a contribution of £1,490,000 towards the provision of new youth facilities (which may include sports and leisure facilities).
9. Arrangements that provide for a part of the teaching facility within the development which is no less than 600 sq metres to be made accessible to the local community for up to 20 hours a month.
10. The establishment of a bursary scheme for five years to facilitate students from the Ocean Estate, or failing that others from other parts of Tower Hamlets studying at QMUL (£3,000 per student / £30,000 per annum being a total of £150,000).
11. Car free arrangements that prohibit residents and users of the development, other than disabled people, from purchasing on-street parking permits from the borough council.
12. The submission and implementation of a Travel Plan.
13. The submission an updated Service Management Plan and the implementation of the Construction Logistics & Management Plan approved by letter dated 9th November 2010.
14. To participate in the Council's Access to Employment initiative.

15. To participate in the Considerate Contractor Protocol.
- 3.2 That the Corporate Director Development & Renewal is delegated authority to negotiate the legal agreement indicated above.
- 3.3. That the Head of Development Decisions is delegated power to issue the planning permission and impose conditions (and informatives) to secure the following:

Conditions

- 3.4. 1. 3 year time limit.
2. The following details to be submitted and approved:
- A mock up of typical elevation bays to include window frames and brickwork.
 - A sample board for all external materials to include the cladding and detailing to the carport/refuse store and bicycle store.
 - Facade design and detailing @ 1:20 and 1:5 scale.
 - Brickwork: specification, setting-out (proportions) and detailing around window cills, reveals, lintels and copings @ 1:20 scale.
 - Cladding to entrance canopy and fascia and window reveals/spandrels @ 1:20 and 1:5 scales.
 - Window design: setting out and specification including feature vent panels and angled units.
 - Balcony guarding: material, proportions, and positioning @ 1:20 and 1:5 scale.
 - Entrance portals: doors and screens including entrance canopies @ 1:20 and 1:5 scale.
 - Structural glazing system to entrance lobbies and ground level frontages @ 1:20 and 1:5 scales.
 - Glass Reinforced Concrete (GRC) elements: window linings, spandrel panels, copings and fascia material, setting out and detailing @ 1:5 scale.
3. Details of a landscaping scheme for the development to include hard and soft finishes, green roofs, gates, walls and fences, external lighting and a CCTV system to be submitted and approved.
4. Approved landscaping scheme to be implemented.
5. A Building Management Statement to be submitted to the local planning authority for written approval and thereafter implemented for the life of the development unless alternative details are approved in writing.
6. Details of the foundation design to ensure satisfactory insulation from ground borne noise and vibration from the running tunnels of the Underground Railway to be submitted approved and implemented.
7. Decontamination to be undertaken in accordance with the scheme approved by letter dated 20th September 2010.
8. Decontamination Validation Report to be submitted for written approval.
9. Unless alternative arrangements are approved in writing by the local planning authority, the acoustic glazing and ventilation for the facades of the buildings shall be adequate to protect residents from Noise Exposure Category D and shall be as specified in paragraphs 5.3, 5.4, 5.5, 5.6 and 5.7 of the approved PPG24 Acoustic Report dated September 2010 by CMA Planning Limited. All windows serving habitable rooms fronting Mile End Road shall be non opening. Mechanical ventilation must be provided to those rooms and maintained for the lifetime of the development. Clean air for mechanical ventilation must be drawn from the rear of the property, away from Mile End

- Road.
10. A communal heating network supplying all heat and hot water requirements in the development shall be installed, in phases if necessary, and shall be made operational prior to the occupation of the first accommodation in each phase. The communal heating network shall thereafter serve all completed accommodation within the development. No more than 350 bed spaces of the student residential accommodation shall be occupied prior to the provision on site of an at least 100 kW electrical capacity CHP plant linked to the site's communal heating network or the connection of the development to an alternative off-site district heating network incorporating an equivalent CHP plant.
 11. A 30 vertical U-loop ground source heat pump system shall be installed to provide supplementary heating and cooling. The heat pump shall comply with the following criteria's at the time of installation of the technology:
 - The Coefficient of Performance standards as set out in the Enhanced Capital Allowances product criteria.
 - Other relevant issues as outlined in the microgeneration Certification Scheme Heat Pump Product Certification Requirements.
 12. Prior to the occupation of the development, the developer shall submit to the local planning authority for its written approval a BREEAM assessment demonstrating that the development will achieve a minimum "Excellent" rating which shall be verified by the awarding body.
 13. The approved details of the sustainable design and construction measures shall be implemented and retained so long as the development shall exist except to any extent approved in writing by the local planning authority.
 14. Unless alternative arrangements are approved in writing by the local planning authority, the roof terrace shall be permanently fitted with 1.8 metre high obscured glass balustrades and, together with outdoor communal garden areas, shall not be used for amenity purposes outside the hours of 8.00 to 22.00 hours on any day.
 15. Hours of construction time limits 08.00 to 18.00 hours Monday to Friday, 08.00 to 13.00 hours Saturdays and not at all on Sundays or Bank Holidays.
 16. Piling hours of operation time limits 10.00 to 16.00 hours Mondays to Fridays, 10.00 to 13.00 hours Saturdays and not at all on Sundays or Bank Holidays.
 17. No impact piling shall be undertaken until a piling method statement has been approved in writing by the local planning authority.
 18. During the Construction Phase dust suppression measures as set out at paragraph 5.2 of the approved Air Quality Report dated September 2010 by CMA Planning shall be maintained at the site.
 19. The development shall not commence until Transport for London and the London Borough of Tower Hamlets (as the highway authorities and the local planning authority) have approved in writing schemes of highway improvements necessary to serve the development being respectively alterations to the adopted lengths of Mile End Road and Toby Lane.
 20. There shall be no servicing, loading or unloading from Mile End Road to the undercroft at the western end of the development.
 21. Retention of disabled parking bays for disabled parking only
 22. Retention of servicing bay for servicing only.
 23. Retention and maintenance of cycle stands.
 24. Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal.

3.5. Informatives

1. Planning permission subject to section 106 agreement.

2. Planning permission under section 57 only.
3. Wheel cleaning facilities during construction.
4. With regard to condition 2 you are advised that the rear entrance to the building on Toby Lane should not be provided with wooden louvred panels.
5. Consultation with the Metropolitan Police regarding Condition 3 (Landscaping including gates, walls, fences, and CCTV system).
6. The Building Management Statement required by Condition 5 shall include:
 - Details of a Management Code of Conduct that stipulates the behaviour of occupiers and residents of the building.
 - A requirement for each student residing in the building to sign a tenancy agreement to abide by the Management Code of Conduct.
 - Circumstances where a tenancy would be terminated and the steps to achieve this.
7. Consultation with the London Fire and Emergency Planning Authority regarding Fire Service Access and Water Supplies
8. Consultation with the Council's Environmental Protection Department with regard to Condition 6 (Details of the foundation design) and Condition 9 (Window design and the design and maintenance regime for the mechanical ventilation system).
9. Consultation with Transport for London and the Council's Department of Traffic and Transportation regarding alterations to the public highway and Condition 18 that will necessitate agreements under section 278 of the Highways Act.
10. Consultation with Queen Mary College University of London regarding the internal design of the building.
11. Advisory note regarding Condition 11 (ground source heat pumps).
12. Consultation with Thames Water Development Services regarding connection to the public sewer and Condition 16 (Impact piling).
13. The main entrance door should be inclusively designed, fully DDA compliant allowing all users to use the same point of entry/ exit to the building.
14. You are advised that the Council does not issue Over-sailing Licences for balconies over-sailing the public highway / footway.
15. Any other informative(s) considered necessary by the Corporate Director Development & Renewal.

- 3.6. That, if within 3 months of the date of this Committee, the legal agreement has not been executed, the Corporate Director Development & Renewal be delegated authority to refuse planning permission.

4. BACKGROUND

- 4.1. This application for planning permission was reported by Strategic Development Committee on 20th January 2011 with an officer recommendation for approval. A copy of the case officers' report and update report containing the summary of material planning considerations, site and surroundings, policy framework, planning history and material planning considerations is attached at Appendix 1 to this item.
- 4.2. After consideration of the report and the update report, the committee resolved that it was minded to refuse planning permission on the following grounds:
- The increase in height, bulk and scale of the new application and the potential impact of the increased density on the local community
 - Inappropriate design of the application and overdevelopment
 - The impact of the new application on section 4B.1, 4B.9 and 4B.10 of the

London Plan 2008.

- 4.3. In accordance with Rule 10.2 of the Constitution, and Rule 4.8 of the Development Procedure Rules, the application was deferred to a future meeting of the Committee to enable officers to present a supplemental report setting out reasons for refusal and the implications of the decision. The proposed reasons for refusal and implications are set out at Section 6.2 and 6.3 of this report.

Changes to the proposed scheme

- 4.4. Since the deferral of the decision, the applicant has sought to address members concerns by introducing the following changes to the scheme:
- Removal of the top floor of the western half of the building
 - Removal of the infill block adjacent to Lindop House.

The omission of the top floor and infill block has resulted in the loss of the 58 additional student units and effectively brings the proposal in line with planning permission PA/09/01916 approved by committee on the 2nd February 2010 (see paragraph 5.13 to 5.26 at Appendix 1)

- 4.5. The applicant now only seeks approval for the following minor amendments that form part of the proposal and these are discussed below.

Revised refuse arrangements

- 4.6 The approved scheme provided a storage area to accommodate up to 14 refuse bins at ground floor level in the north east corner of the site. This area has now been reduced in size to accommodate plant and the bins storage has been redistributed to the south west corner of the ground floor. The level of provision remains the same and the revised refuse arrangements were considered to be acceptable to the Council's waste team. An updated service management plan has been secured through the s.106 agreement to take account of the revised refuse arrangements.

Revised cycle storage

- 4.7 The cycle storage area has been reduced in length with a loss of 6 cycle spaces. The approved scheme provided for 388 cycle spaces whilst the current proposal provides for 382. The facility would support 300 students and therefore this is still well in excess of the 1:3 ratio required by the Adopted Unitary Development Plan (as saved 2007) and the 1:2 by the Interim Planning Guidance (2007). The reduction in the size of the cycle store is to accommodate the plant mentioned in paragraph 4.4 above.

Revised entrance

- 4.8 The current scheme provides for a sliding circular door within a recessed entrance that is shallower than previously approved. This has resulted in changes to the internal layout the main difference being the consolidation of 2 reception areas into 1; the repositioning of a toilet block; and a more open circulation area. The revised entrance door will have little impact on the overall design of the scheme. It remains within a curtain wall system as per the previous application and by doing so retains its presence on the street by announcing itself to visitors.
- 4.9 A reduction in the recessed area is a better crime and safety solution as it reduces the area where one could hide whilst still providing cover for those entering the building

legitimately.

5 CONSIDERATION OF PROPOSED CHANGES

Omission of top floor and infill extension

- 5.1 The omission of the additional floor and infill extension in line with the approved scheme is not considered have an impact on residents beyond that already considered by members on the 2 February 2010. (A copy of the report presented to members on the 2 February 2010 is attached at Appendix 2)

Impact on surrounding residents

- 5.2 Impacts in terms of sunlight, daylight overshadowing and privacy were considered to be acceptable by officers in relation to the deferred application (paragraphs 9.72 to 9.85 at Appendix 1), and were not recorded as specifically forming the reasons why members were minded to refuse the application. It is considered that with the reduction in the overall bulk of the building these impacts would be no worse than that already assessed by officers at paragraphs 9.72 to 9.85 of Appendix 1 and considered by members at the Strategic Development Committee of the 20th January 2011.
- 5.3 Members raised concerns over the increased height, bulk, scale and mass of the proposal, and the impact that the resultant increase in density would have on the local community. It is considered that the omission of the additional floor and infill extension, and the resultant reduction in the number of student bed spaces from the proposed 641 to the previously approved 583, addresses those concerns.

Design and appearance

- 5.4 Members were also concerned that the proposal would be contrary to policies 4B.1 (Design principles for a compact city); 4B.9 (Tall buildings – Location); and 4B.10 (Large scale buildings- design and impact) of the London Plan (February 2008). It is considered that the omission the top floor and infill extension addresses those concerns as the building now rises to a maximum height of 9 storeys as was previously approved.
- 5.5 In terms of design, the elevational treatment with the exception of the revised entrance arrangements remains as per the approved plans. It is considered that revised entrance will have little impact on the overall appearance of the scheme given that a recessed entrance is retained as per the approved scheme, although it is shallower and is facilitated by a rotating door as opposed to a swing door.

Planning Obligations

- 5.6 Planning obligations should only be sought where they meet the 5 key tests outlined by the Secretary of State in Circular 05/2005. Obligations must be:
- (i) relevant to planning;
 - (ii) necessary to make the proposed development acceptable in planning terms;
 - (iii) directly related to the proposed development;
 - (iv) fairly and reasonably related in scale and kind to the proposed development; and
 - (v) reasonable in all other respects.

5.7 Regulation 122 of the Community Infrastructure Levy Regulations 2010 brings into law policy tests for planning obligations which can only constitute a reason for granting planning permission where they meet the following tests:

- (a) The obligation is necessary to make the development acceptable in planning terms;
- (b) The obligation is directly related to the development; and
- (c) The obligation is fairly and reasonably related in scale and kind to the development.

5.8 Policy 6A.5 of The London Plan advises:

"It will be a material consideration whether a development makes adequate provision for, or contribution towards requirements that are made necessary by, and related to, the proposed development.

Negotiations should seek a contribution towards the full cost of such provision that is fairly and reasonably related to the proposed development and its impact on the wider area"

5.9 Policy DEV 4 of the Tower Hamlets UDP 1998 and policy IMP1 of the Council's interim planning guidance 2007 state that the Council will seek planning obligations or financial contributions to mitigate the impacts of a development. Paragraph 3.53 of The London Plan advises that where a housing development is solely for student housing, it would not be appropriate for the borough to seek social rent or intermediate housing provision through a planning obligation.

5.10 Chapter 8 of the Council's Core Strategy 2010 deals with Delivery and Monitoring. Policy SP13 says:

"The Council will negotiate planning obligations in relation to proposed development. These may be delivered in kind or through financial contributions"

5.11 Members are reminded that the S.106 contribution will be as per the approved scheme (PA/09/01916) and the pro-rata contribution of £224,000 would no longer be applicable.

5.12 The total financial contribution amounts to £2,400,000 With regard to the previously approved scheme, £760,000 was due before commencement and £1,490,000 prior to occupation. The Council has received the pre-commencement payment of £760,000.

6 SUMMARY

6.1 It is considered that the proposed amendments to the submitted application addresses the concerns raised by Members in relation to the additional height and width of the building and the increase in the level of student accommodation.

6.2 The development now proposed is essentially the same as previously approved with the exception of the amendments mentioned above, most of which are contained within the envelope of the building and is not considered to have a detrimental impact on surrounding residents or contrary to the Councils relevant planning policies. Officers therefore do not consider that the initial reasons for which members were minded to refuse the scheme are now defensible in light of the reduction in height and minor nature of the changes proposed and recommend to members that permission should be granted.

- 6.3 Whilst the reduction in student units reduces the pro-rata s.106 contribution currently being offered, members are reminded that the health contribution of £253,605 is an additionality that was not previously secured in the approved scheme reference PA/09/01916).

6 CONCLUSIONS

- 6.1 All other relevant policies and considerations have been taken into account. Planning permission should be approved for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS appended to this report and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.
- 6.2 However, if Members are minded to refuse the application and the amendments detailed above, subject to any direction by the Mayor of London the following suggested reasons for refusal are as follows:

Suggested reasons for refusal

- 6.3 1. The scheme would result in the overdevelopment of the site and would have a detrimental impact on surrounding residents in terms of general noise and disturbance. As such, the scheme is contrary to policies SP03 of the adopted Core Strategy (2010), saved policies DEV2 and DEV50 of the Adopted Tower Hamlets Unitary Development Plan (1998) and policies DEV1 and DEV10 of the Council's Interim Planning Guidance (2007) which seek to protect neighbouring amenity from unacceptable noise and disturbance.
2. The building in terms of height, scale, design and appearance would appear incongruous within the street scene and would fail to respect the character and appearance of the surrounding area contrary to advice in PPS5, policies 4B.1, 4B.9, and 4B.10 of The London Plan (consolidated with alterations since 2004), saved policies DEV1 and DEV2 of the Tower Hamlets Unitary Development Plan (1998), policies DEV1, DEV2 and CON2 of the Council's Interim Planning Guidance (2007) and policy SP10 of the adopted Tower Hamlets Core Strategy (2010), which seek to ensure development is of a high quality design, and preserves or enhances heritage assets and their settings.

Implications of the decision

- 6.3 Following the refusal of the application the following options are open to the Applicant. These would include (though not be limited to):
1. Implement the extant permission;
 2. The applicant could appeal the decision and submit an award of costs application against the Council. Planning Inspectorate guidance on appeals sets out in paragraph B20 that:

"Planning authorities are not bound to accept the recommendations of their officers. However, if officers' professional or technical advice is not followed, authorities will need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence on appeal to support the decision in all respects. If they fail to do so, costs may be awarded against the Council".

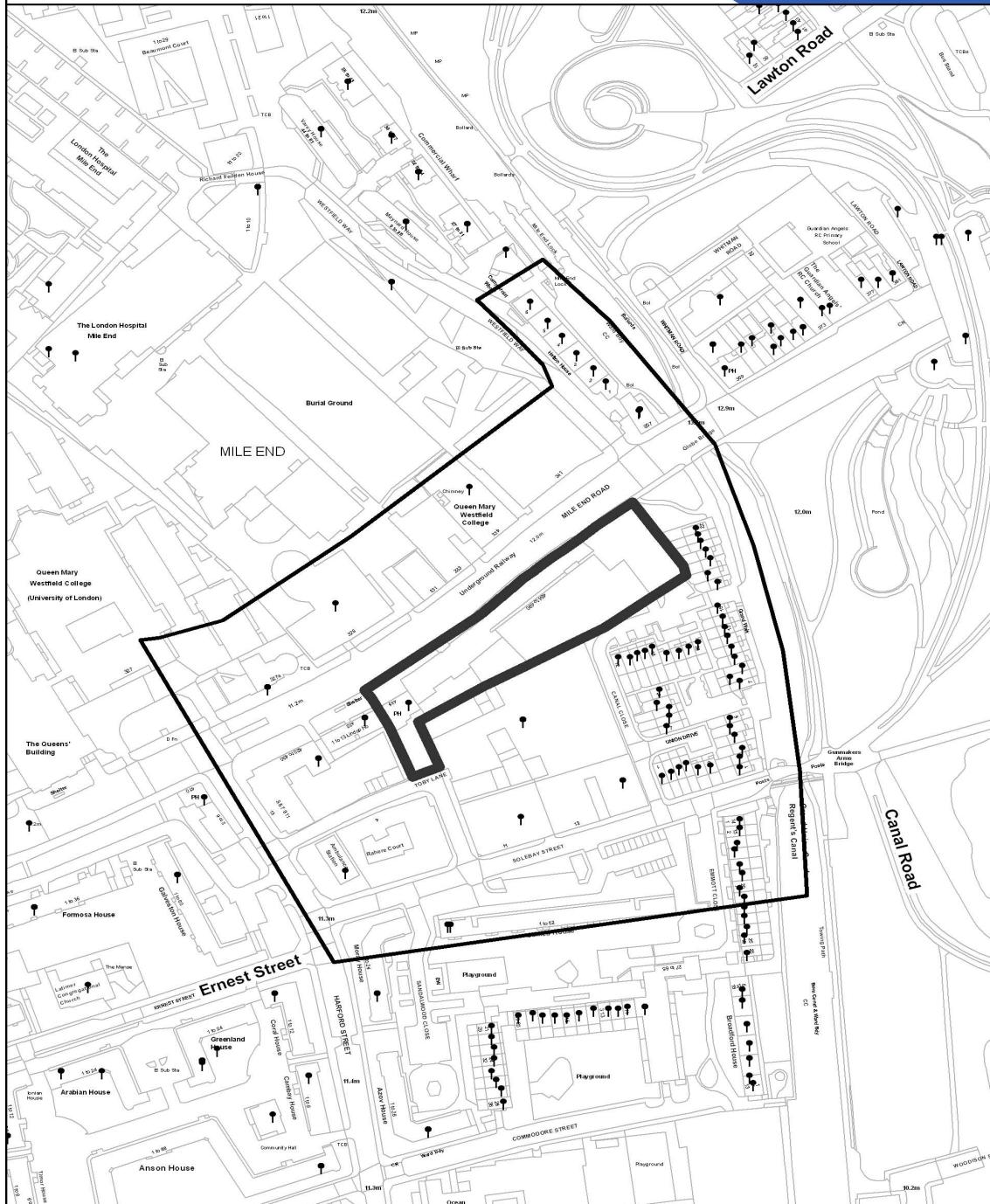
3. There are two financial implications arising from appeals against the Council's decisions. Firstly, whilst parties to a planning appeal are normally expected to bear their own costs, the Planning Inspectorate may award costs against either party on grounds of "unreasonable behaviour". Secondly, the Inspector will be entitled to consider whether proposed planning obligations meet the tests set out in the Secretary of State's Circular 05/2005 and are necessary to enable the development to proceed.
4. The Council would vigorously defend any appeal.

7 Appendices

Appendix 1 – Committee Report to Members of the Strategic Development Committee on 20th January 2011

Appendix 2 – Committee Report to Members of the Strategic Development Committee on 2nd February 2011

Planning Application Site Map



Planning Application Site Boundary
 Land Parcel Address
 Consultation Area

0 30 m

 1:2,500

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. The Site Map was reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationary Office (c) Crown Copyright. London Borough of Tower Hamlets LA100019288

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APPENDIX 1

Committee: Strategic Development	Date: 20 th January 2011	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director of Development and Renewal		Title: Application for planning permission	
Case Officer: Richard Humphreys		Ref: PA/10/2091	
		Ward: Mile End and Globe Town	

1. APPLICATION DETAILS

- Location:** 438-490 Mile End Road, E1.
- Existing use:** Cleared site. Previously occupied by motor vehicle showroom with ancillary, workshop and offices together with an adjoining bar / nightclub.
- Proposal:** Erection of a new building ranging from 3 to 10 storeys to provide a new education facility comprising teaching accommodation and associated facilities, student housing, cycle and car-parking, refuse and recycling facilities.
- Drawing Nos:** 4118-A-0100, 4118-A-0101, 4118-A-0102, 4118-A-0103, 4118-A-0104, 4118-A-0105, 4118-A-0106 Rev P1, 4118-A-0107 Rev P1, 4118-A-0108, 4118-A-0109 Rev D4, 4118-A-0110 Rev D2, 4118-A-0111 Rev P1, 4118-A-0112 Rev P1, 4118-A-0113 Rev P1, 4118-A-0114 Rev P1, 4118-A-0115 Rev P1, 4118-A-0116 Rev P1, 4118-A-0117 Rev P1, 4118-A-0118 Rev P1, 4118-A-0119 Rev P1, 4118-A-0120, 4118-A-0200, 4118-A-0201, 4118-A-0202, 4118-A-0203, 4118-A-0204 Rev P1, 4118-A-0205, 4118-A-0206 Rev P1, 4118-A-0301, 4118-A-0302, 4118-A-0303, 4118-A-0304, 4118-A-0305, 4118-A-0306, 4118-A-0307, 4118-A-0308, 4118-A-0309, 4118-A-0310, 4118-A-0400, 4118-A-0401 and 4118-A-0402.

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Accurate Verified Views

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Owners: INTO University Partnerships and Mile End Limited Partnership.

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2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1. The local planning authority has considered the particular circumstances of the application against the policies contained in The London Plan 2008, the Greater London Authority's Sub Regional Development Framework - East London 2006, the Council's planning policies contained in the Tower Hamlets Unitary Development Plan 1998, the Council's interim planning guidance 2007, the adopted Tower Hamlets Core Strategy 2010, associated supplementary planning guidance and Government Planning Policy Guidance and has found that:

- The provision of a new education facility comprising teaching accommodation, student housing and associated facilities is supported by policies 3A.1 and 3A.25 of The London Plan 2008, policy and HSG14 of the Tower Hamlets Unitary Development Plan 1998, policy EE2 of the council's interim planning guidance 2007 and policy SP02 7. of the adopted Tower Hamlets Core Strategy 2010 which provides for the specialist housing needs of the borough through working with the borough's universities to enable the appropriate provision of student accommodation that meets identified needs by:
 - i. Focusing student accommodation supporting London Metropolitan University at Aldgate or on locations that have good public transport accessibility (PTAL 5 to 6)
 - ii. Focusing student accommodation supporting Queen Mary University

London in close proximity to the University.

- The scheme would not result in the overdevelopment of the site or result in any of the problems typically associated with overdevelopment. As such, the scheme is in line with policy 3A.3 of The London Plan 2008, policies DEV1 and DEV2 of the Tower Hamlets Unitary Development Plan 1998 and policies DEV1 and DEV2 of the Council's interim planning guidance 2007 which seek to provide an acceptable standard of development throughout the borough.
- The new building in terms of height, scale, design and appearance is acceptable and in line with national advice in PPS5, policies 4B.1, 4B.8, 4B.10, 4B.11, 4B.12 and 4B.14 of The London Plan 2008, policies DEV1 and DEV2 of the Tower Hamlets Unitary Development Plan 1998, policies DEV1, DEV2 and CON2 of the Council's interim planning guidance 2007 and policy SP10 of the adopted Tower Hamlets Core Strategy 2010 which seek to ensure development is of a high quality design, and preserves or enhances heritage assets and their settings.
- Transport matters, including vehicular and cycle parking, vehicular and pedestrian access and servicing arrangements are acceptable and in line with policy T16 of the Tower Hamlets Unitary Development Plan 1998, policies DEV16, DEV17, DEV18 and DEV19 of the Council's interim planning guidance 2007, and national advice in PPG13 which seek to ensure developments can be supported within the existing transport infrastructure.
- Sustainability and renewable energy matters are appropriately addressed in line with policies 4A.7 – 4A.9 of The London Plan, policies DEV5 to 9 and DEV 11 of the Council's interim planning guidance 2007, and policy SP11 of the adopted Tower Hamlets Core Strategy 2010 which seek to ensure development is sustainable due to reduced carbon emissions, design measures, water quality, conservation, sustainable drainage, and sustainable construction materials.
- The development would not adversely affect air quality, in line with The London Plan policy 4A.19 and policy DEV11 of the Council's interim planning guidance 2007.
- The management of the demolition and construction phase would accord with policy DEV12 of the Council's interim planning guidance 2007.
- Contributions have been secured towards environmental improvements forming part of the High Street 2012 project, pedestrian facilities on Mile End Road, community education initiatives and cultural facilities including the Bancroft Library, together with the implementation of travel plans, car free arrangements, and arrangements to ensure that accommodation within the teaching facility is available to the public. This is in line with Circular 05/2005, the Community Infrastructure Levy Regulations 2010, policy 6A.5 of The London Plan 2008, policy DEV4 of the Tower Hamlets Unitary Development Plan 1998, policy IMP1 of the Council's interim planning guidance 2007 and policy SP13 of the adopted Tower Hamlets Core Strategy 2010, which seek to secure contributions toward infrastructure and services required to facilitate development.

3. RECOMMENDATIONS

3.1. That the Committee resolves to **GRANT** planning permission subject to the prior completion of a legal agreement, to the satisfaction of the Chief Legal Officer, to secure the following:

1. The student residential accommodation shall only be occupied for the predominant part of the year by students attending the INTO education facility, Queen Mary University of London, or from the previously agreed list of other further educational establishments or as has been approved in writing by the local planning authority.
2. In perpetuity; no part of the student residential accommodation shall be used as a Use Class C3 dwellinghouse.
3. On commencement of development a financial contribution of £120,000 towards environmental improvements within the Mile End Intersection Area Study of the High Street 2012 project.
4. On commencement of development a £20,000 contribution to Transport for London to enhance the pedestrian crossing on Mile End Road.
5. On commencement of development a contribution of £100,000 towards local community education initiatives and cultural facilities.
6. On commencement of development a contribution of £20,000 towards local employment and training initiatives.
7. On commencement of development a £500,000 contribution for improvements to the Bancroft Library or for other improvements to library or cultural facilities within the vicinity of the development.
8. Within 3 months of the grant of planning permission a contribution to the capital cost of health provision of £278,835.
9. Prior to first occupation of the development a contribution of £1,490,000 towards the provision of new youth facilities (which may include sports and leisure facilities).
10. Arrangements that provide for a part of the teaching facility within the development which is no less than 600 sq metres to be made accessible to the local community for up to 20 hours a month.
11. The establishment of a bursary scheme for five years to facilitate students from the Ocean Estate studying at QMUL (£3,000 per student / £33,000 per annum to a total of £165,000).
12. Car free arrangements that prohibit residents and users of the development, other than disabled people, from purchasing on-street parking permits from the borough council.
13. The submission and implementation of a Travel Plan.
14. The submission an updated Service Management Plan and the implementation of the Construction Logistics & Management Plan approved by letter dated 9th November 2010.
15. To participate in the Council's Access to Employment initiative.
16. To participate in the Considerate Contractor Protocol.

3.2. That the Corporate Director Development & Renewal is delegated authority to negotiate the legal agreement indicated above.

3.3. That the Head of Development Decisions is delegated power to issue the planning permission and impose conditions (and informatives) to secure the following:

Conditions

- 3.4.
1. 3 year time limit.
 2. The following details to be submitted and approved:
 - A mock up of typical elevation bays to include window frames and brickwork.
 - A sample board for all external materials to include the cladding and detailing to the carport/refuse store and bicycle store.
 - Facade design and detailing @ 1:20 and 1:5 scale.
 - Brickwork: specification, setting-out (proportions) and detailing around window cills, reveals, lintels and copings @ 1:20 scale.
 - Cladding to entrance canopy and fascia and window reveals/spandrels @ 1:20 and 1:5 scales.
 - Window design: setting out and specification including feature vent panels and angled units.
 - Balcony guarding: material, proportions, and positioning @ 1:20 and 1:5 scale.
 - Entrance portals: doors and screens including entrance canopies @ 1:20 and 1:5 scale.
 - Structural glazing system to entrance lobbies and ground level frontages @ 1:20 and 1:5 scales.
 - Glass Reinforced Concrete (GRC) elements: window linings, spandrel panels, copings and fascia material, setting out and detailing @ 1:5 scale.
 3. Details of a landscaping scheme for the development to include hard and soft finishes, green roofs, gates, walls and fences, external lighting and a CCTV system to be submitted and approved.
 4. Approved landscaping scheme to be implemented.
 5. A Building Management Statement to be submitted to the local planning authority for written approved and thereafter implemented for the life of the development unless alternative details are approved in writing.
 6. Details of the foundation design to ensure satisfactory insulation from ground borne noise and vibration from the running tunnels of the Underground Railway to be submitted approved and implemented.
 7. Decontamination to be undertaken in accordance with the scheme approved by letter dated 20th September 2010.
 8. Decontamination Validation Report to be submitted for written approval.
 9. Unless alternative arrangements are approved in writing by the local planning authority, the acoustic glazing and ventilation for the facades of the buildings shall be adequate to protect residents from Noise Exposure Category D and shall be as specified in paragraphs 5.3, 5.4, 5.5, 5.6 and 5.7 of the approved PPG24 Acoustic Report dated September 2010 by CMA Planning Limited. All windows serving habitable rooms fronting Mile End Road shall be non opening. Mechanical ventilation must be provided to those rooms and maintained for the lifetime of the development. Clean air for mechanical ventilation must be drawn from the rear of the property, away from Mile End Road.
 10. A communal heating network supplying all heat and hot water requirements in the development shall be installed, in phases if necessary, and shall be made operational prior to the occupation of the first accommodation in each phase. The communal heating network shall thereafter serve all completed accommodation within the development. No more than 350 bed spaces of the student residential accommodation shall be occupied prior to the provision on site of an at least 100 kW electrical capacity CHP plant linked to the site's communal

- heating network or the connection of the development to an alternative off-site district heating network incorporating an equivalent CHP plant.
11. A 30 vertical U-loop ground source heat pump system shall be installed to provide supplementary heating and cooling. The heat pump shall comply with the following criteria's at the time of installation of the technology:
 - The Coefficient of Performance standards as set out in the Enhanced Capital Allowances product criteria.
 - Other relevant issues as outlined in the Microgeneration Certification Scheme Heat Pump Product Certification Requirements.
 12. Prior to the occupation of the development, the developer shall submit to the local planning authority for its written approval a BREEAM assessment demonstrating that the development will achieve a minimum "Excellent" rating which shall be verified by the awarding body.
 13. The approved details of the sustainable design and construction measures shall be implemented and retained so long as the development shall exist except to any extent approved in writing by the local planning authority.
 14. Unless alternative arrangements are approved in writing by the local planning authority, the roof terrace shall be permanently fitted with 1.8 metre high obscured glass balustrades and, together with outdoor communal garden areas, shall not be used for amenity purposes outside the hours of 8.00 am to 10.00 pm on any day.
 15. Hours of construction time limits 08.00 am to 18.00 pm Monday to Friday, 08.00 am to 13.00 pm Saturdays and not at all on Sundays or Bank Holidays.
 16. Piling hours of operation time limits 10.00 am to 16.00 pm Mondays to Fridays, 10.00 am to 13.00 pm Saturdays and not at all on Sundays or Bank Holidays.
 17. No impact piling shall be undertaken until a piling method statement has been approved in writing by the local planning authority.
 18. During the Construction Phase dust suppression measures as set out at paragraph 5.2 of the approved Air Quality Report dated September 2010 by CMA Planning shall be maintained at the site.
 19. The development shall not commence until Transport for London and the London Borough of Tower Hamlets (as the highway authorities and the local planning authority) have approved in writing schemes of highway improvements necessary to serve the development being respectively alterations to the adopted lengths of Mile End Road and Toby Lane.
 20. There shall be no servicing, loading or unloading from Mile End Road to the undercroft at the western end of the development.
 21. Retention of disabled parking bays for disabled parking only
 22. Retention of servicing bay for servicing only.
 23. Retention and maintenance of cycle stands.
 24. Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal.

3.5. **Informatives**

1. Planning permission subject to section 106 agreement.
2. Planning permission under section 57 only.
3. Wheel cleaning facilities during construction.
4. With regard to condition 2 you are advised that the rear entrance to the building on Toby Lane should not be provided with wooden louvred

- panels.
5. Consultation with the Metropolitan Police regarding Condition 3 (Landscaping including gates, walls, fences, and CCTV system).
 6. The Building Management Statement required by Condition 5 shall include: Details of a full time management team and the provision of 24 hour security.
 - Details of a Management Code of Conduct that stipulates the behaviour of occupiers and residents of the building.
 - A requirement for each student residing in the building to sign a tenancy agreement to abide by the Management Code of Conduct.
 - Circumstances where a tenancy would be terminated and the steps to achieve this.
 7. Consultation with the London Fire and Emergency Planning Authority regarding Fire Service Access and Water Supplies
 8. Consultation with the Council's Environmental Protection Department with regard to Condition 6 (Details of the foundation design) and Condition 9 (Window design and the design and maintenance regime for the mechanical ventilation system).
 9. Consultation with Transport for London and the Council's Department of Traffic and Transportation regarding alterations to the public highway and Condition 18 that will necessitate agreements under section 278 of the Highways Act.
 10. Consultation with Queen Mary College University of London regarding the internal design of the building.
 11. Advisory note regarding Condition 11 (ground source heat pumps).
 12. Consultation with Thames Water Development Services regarding connection to the public sewer and Condition 16 (Impact piling).
 13. The main entrance door should be inclusively designed, fully DDA compliant allowing all users to use the same point of entry/ exit to the building.
 14. You are advised that the Council does not issue Over-sailing Licences for balconies over-sailing the public highway / footway.
 15. Any other informative(s) considered necessary by the Corporate Director Development & Renewal.
- 3.6. That, if within 3 months of the date of this Committee, the legal agreement has not been executed, the Corporate Director Development & Renewal be delegated authority to refuse planning permission.

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1. Application is made for full planning permission for the redevelopment of the site of 438-490 Mile End Road by the erection of a new building ranging from 3 to 10 storeys for use as an education facility comprising teaching accommodation, student housing, cycle and car-parking areas plus refuse and recycling facilities.
- 4.2. This is a revised proposal following the decision of the Strategic Development Committee on 2nd February 2010 to grant planning permission (PA/09/1916) for a similar development between 3 to 9 storeys in height. Following the execution of a section 106 Agreement under terms that the Committee instructed, planning permission PA/09/1916 was issued on 17th May 2010.

- 4.3. The teaching facility remains at 3,712 sq m (net internal). The key changes between the development permitted on 17th May 2010 and the current proposal are as follows:
- Gross external floorspace increased from 16,602 sq m to 18,473 sq m.
 - Gross internal floorspace increased from 11,500 sq m to 12,341 sq m.
 - Gross internal floorspace of student housing increased from 7,788 sq m to 8,629 sq m.
 - The number of student bed spaces increased from 583 to 641 (10%).
 - An additional storey added to the four western modules of the building.
 - Maximum height increased from 9 storeys (28.00 metres) to 10 storeys (30.8 metres).
 - The proposed building extended by some 5.4 metres to the west to abut Lindrop House, No. 432 Mile End Road.
 - Main entrance door brought forward but still recessed from the building line.
 - Revised refuse arrangements.
 - Revised arrangements for bicycle storage.
- 4.4. The proposed building would now vary from 3 storeys (9.6 metres high) at its eastern end, rising to 10 storeys (30.8 metres high) towards the centre then dropping to 8 storeys (22.9 metres high) at its western end. The eastern part of the building would have northern and southern wings linked at ground and 1st floor levels. The development would comprise two main elements:
- (i) A new education / teaching facility and;
 - (ii) Student living accommodation.
- 4.5. There would be a double height ground floor frontage to Mile End Road. The education space would be arranged around a large central double-height circulation zone which would also provide break-out space and informal meeting / seating areas for the students, along with a café / restaurant. Formal teaching rooms would be provided at the eastern end of the building fronting Mile End Road and on the upper floors, including within the central-core, which would rise through the building to fourth floor level.
- 4.6. The southern (rear) and upper parts of the building would provide student living facilities arranged as either single studios or clusters with private kitchens and bathrooms. The student living accommodation proposes 641 bed spaces split between:
- 53 x single studios (previously 51)
 - 577 x 1 bed units (previously 512)
 - 21 x 1 bed wheelchair accessible units (no change).
- 4.7. The education facility would support over 300 full-time students and would be operated by INTO University Partnerships, which provides foundation courses for students before they enter undergraduate and post-graduate degree courses.
- 4.8. Whilst Queen Mary University (QMUL) is not involved in the development, the developer anticipates some half the bed spaces would be occupied by students studying with the INTO teaching facility within the building, with the remaining rooms made available for students studying on the QMUL campus.

4.9. Tree planting would be undertaken along Mile End Road and at the eastern end of the site. The proposal incorporates a range of amenity space provision, including a roof terrace, enclosed sky-gardens and areas of communal landscaping as follows:

- A rear terrace on the roof of the 4th floor = 92 sq m
- Internal 'Sky gardens' = 140 sq m
- Communal gardens = 988 sq m

4.10. The proposal does not include car-parking for either students or staff although two spaces for disabled people would be provided at the south-west corner of the building accessed off Toby Lane. A third parking space in this location would be used as a light goods servicing bay. There would 405 cycle storage spaces including 30 visitor spaces, distributed both along the main frontage (off the highway) and within the envelope of the building.

Site and surroundings

4.11. The site comprises 0.47 hectare located on the southern side of Mile End Road. It is broadly rectilinear with a 145 metre long frontage to Mile End Road.

4.12. Most of the site was occupied until April 2009 as showrooms for the sale of motor vehicles. The buildings were 2 and 3-storey. Vehicle repairs were undertaken in associated workshops and there were ancillary offices. Motor vehicles were displayed on the forecourt and in an open sales yard at the eastern end of the site. The site has been cleared and work has commenced on the development permitted on 15th May 2010.

4.13. As before, the development site includes the former 'Fountain' public house, No. 438 Mile End Road last used as a bar / nightclub. This was a 2-storey building with rear vehicular access to Toby Lane.

4.14. In total, there was previously approximately 2,700 sq. m of accommodation across the site split between the car showroom use (2,429 sq. m) and the bar/nightclub (240 sq. m).



Former buildings now demolished. Application site marked by broken line

4.15. Mile End Road is a strategic London distributor road - the A11. It is a 'red route' and part of the Transport for London Road Network. The site originally operated with three vehicular accesses onto Mile End Road. There is a 'pelican' crossing across Mile End Road at the eastern end of the site and a further pedestrian crossing immediately east of Harford Street which runs south

from Mile End Road. Toby Lane, which runs in a dog leg between Harford Street and Solebay Street, is a borough road. Mile End Road is part of the proposed 'High Street 2012' Olympic Boulevard leading to the Olympic Park.

- 4.16. Opposite the site, on the northern side of Mile End Road, is the Queen Mary University (QMUL) campus (part of the University of London) that is accommodated in a number of buildings of varying heights. The campus occupies some 10 hectares extending northwards towards Meath Gardens. Within the campus, 90 metres east of the application site, the white stone Drinking Fountain and Clock Tower and the 1930's Queen's Building (formerly the Peoples Palace) are listed Grade 2. The adjoining 3-storey administrative building of Queen Mary College dates from 1890, designed in ornate classical style, and built as the original Peoples Palace, is also Grade 2 listed. Opposite the application site at Nos. 331–333 Mile End Road, the boundary wall of the cemetery of the Spanish and Portuguese Jewish Congregation Queen Mary, University of London is also Grade 2 listed. . A new 5- storey high Humanities Building for QMUL is nearing completion at Nos. 331-333 Mile End Road.
- 4.17. Adjoining the application site to the west, 'Lindop House,' No. 432 Mile End Road is a part 6, part 7-storey building providing student housing. There is also a recent development of student housing to the rear of Lindrop House in Toby Lane / Solebay Street named 'Rahere Court' which adjoins an ambulance station on the corner of Toby Lane / Harford Street.
- 4.18. To the south of Mile End Road lies the Ocean Estate, a large post-war municipal housing development comprising mostly a series of medium – high rise (6-9 storeys) blocks arranged around a series of courtyards and open spaces. The estate has a frontage onto Mile End Road to the west of the application site, presenting a series of blocks running perpendicular to the road separated by areas of landscaping.
- 4.19. To the east and south-east of the application site, part of the Ocean Estate comprises 1970's residential development of 2 and 3-storey dwellinghouses on Canal Close, Union Drive, and Grand Walk. The houses on Grand Walk lie alongside the Regents Canal and fall within the Regents Canal Conservation Area. This adjoining development on Grand Walk has rear windows overlooking the former open sales yard of the development site and is separated from it by rear gardens 7 – 10 metres long.
- 4.20. Mile End Park, designated as Metropolitan Open Land, lies to the east of the Regents Canal with the interconnecting 'Green Bridge' crossing Mile End Road.
- 4.21. In the vicinity of the application site, in addition to the listed buildings within the QMUL campus; No. 357 Mile End Road (34 metres north east of the site) and the terrace Nos. 359 to 373 Mile End Road east of the Regents Canal (all on the northern side of Mile End Road) are included within the Council's non-statutory local list of buildings of architectural or historic interest.. The Guardian Angels Roman Catholic Church and Presbytery, No. 377 Mile End Road, is statutorily listed Grade 2. The buildings on the northern side of Mile End Road east of the canal lie within the designated Clinton Road Conservation Area.
- 4.22. The urban grain of the development site and its environs is badly fragmented following war damage. Immediately south of the site lies open land occupied by the Council's Toby Lane Depot operated by Catering and Transport Services. A new kitchen building has recently been constructed in the north eastern corner

of the depot abutting the development site.

- 4.23. The site has good public transport accessibility. Mile End Station, on the Central and District Lines of the Underground Railway, lies 250 metres to the east. Bus routes 25 and 208 serve Mile End Road. There are a further five bus routes serving the Mile End area - Nos. 229, D6, D7, 425 and 277. The western part of the site has a Public Transport Accessibility Level (PTAL) of 5 and the eastern yard scores PTAL 6a where 1 is low and 6 is high. The running tunnels of the Underground Railway lie beneath the site and adjoining parts of Mile End Road.

5. MATERIAL PLANNING HISTORY

1st Planning application PA/09/601

- 5.1. At its meeting of **4th August 2009**, the Strategic Development Committee considered an application for planning permission to redevelop the site by a part 3, part 5, part 7, and part 11-storey building to provide a new education facility and student housing.

- 5.2. The Committee resolved that it was minded to **REFUSE** planning permission on the following grounds:

1. The proposed density;
2. Inappropriate design and height of the proposed development;
3. Overdevelopment of the site; and
4. A lack of benefit for local residents.

- 5.3. On **23rd September 2009**, the Strategic Development Committee considered a Supplemental report setting out recommended reasons for refusal and the implications of the decision. The Committee resolved to **REFUSE** planning permission for the following reasons:

1. The proposed development due to its height would amount to an overdevelopment of the site contrary to:
 - (a) Policies 4B.1, 4B.9 and 4B.10 of The London Plan 2008 that require development including tall and large-scale buildings to respect local context.
 - (b) Policies DEV1 and DEV3 of the Tower Hamlets Unitary Development Plan 1998, which requires development to take into account and be sensitive to the character of the surrounding area, in terms of design, bulk and scale and the development capabilities of the site.
 - (c) Policies CP48 and DEV2 of the Council's interim planning guidance 2007 which requires development to take into account and respect the local character and setting of the development site in terms of scale, height mass, bulk and form of development.
2. Due to inappropriate design, with inadequate modulation of the facades of the proposed building, the development would not be an attractive city element as viewed from all angles in conflict with:
 - (a) Policy 4B.10 of The London Plan 2008 which requires development to suited to their wider context in terms of proportion and

composition.

(b) Policy DEV1 and DEV3 of the Tower Hamlets Unitary Development Plan 1998 which require development to take into account and be sensitive to the character of the surrounding area.

(c) Policy DEV2 of the Council's interim planning guidance 2007 which requires development to take into account and respect the local character and setting of the development site in terms of roof lines, streetscape rhythm, building plot sizes and design details and to enhance the unique characteristics of the surrounding area to reinforce local distinctiveness and contribute to a sense of place.

5.4. In reaching its decision, the Committee considered advice in the Supplemental report on its resolution of 4th August 2009 which may be summarised as follows:

Resolution 1

5.5. Officers advised that was inappropriate to apply a residential density calculation to student housing in the same way as general purpose housing. The determining factor should be the resultant design arising from the amount of development proposed and its compatibility with the local context. Accordingly, recommended Refusal Reason 1 concerned overdevelopment of the site due to excessive height in relation to the local context, but did not allege conflict with the residential density range guidelines provided by Table 3A.2 of the London Plan or Planning Standard 4: Tower Hamlets Density Matrix of the Council's interim planning guidance 2007. Given the lack of support from the Development Plan for a refusal based on Resolution 1, the Committee agreed that planning permission should not be refused on the ground of density as a stand alone reason.

Resolution 2

5.6. Officers advised that Refusal Reason 2 concerned inappropriate design due to inadequate modelling of the façade of the development on this exceptionally long stretch of Mile End Road, resulting in conflict with The London Plan 2008, which requires development to be suited to its wider context in terms of proportion and composition, together with the design policies in the Council's Unitary Development Plan 1998 and interim planning guidance 2007 which also require development to take into account and be sensitive to the character of the surrounding area.

Resolution 3

5.7. Officers advised that overdevelopment manifested itself in a proposal that would be excessively high. Accordingly, recommended Refusal Reason 1 concerned:

- Conflict with The London Plan 2008 that requires tall and large-scale buildings to respect local context,
- Conflict with the Tower Hamlets Unitary Development Plan 1998 which requires development to take into account and be sensitive to the character of the surrounding area and the development capabilities of the site, together with the similar policy in the Council's interim planning guidance 2007.

Resolution 4

- 5.8. The Committee considered the package of section 106 obligations offered by the developer. Officers advised that there is no national guidance or policy in The London Plan 2008, the Tower Hamlets Unitary Development Plan 1998, or the Council's interim planning guidance 2007 that requires development to provide benefits for local residents. Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Whilst community benefit can be a material consideration, a fundamental principle in the determination of applications for planning permission is whether obligations are necessary to enable a development to proceed. Members decided that as no such further obligations had been identified and, given the absence of support in the development plan for a refusal based on Resolution 4, planning permission should not be refused on the ground of inadequate benefit for local residents.
- 5.9. Planning permission was refused on 14th October 2009 (for the reasons set out at paragraph 5.3 above) after the Mayor of London decided not to take over the application. An appeal to the Planning Inspectorate was lodged against the Council's decision but was withdrawn undetermined.

2nd Planning application PA/09/1916

- 5.10. On **15th December 2009**, the Strategic Development Committee considered a report and an update report on a revised application for planning permission for the redevelopment of 438-490 Mile End Road by erection of an alternative building ranging from 3 to 9 storeys to provide a new education facility comprising teaching accommodation and student housing. The scheme differed from that refused on 23rd September 2009 in the following respects:

- Gross external floorspace reduced from 19,076 sq m to 16,602 sq m.
- Gross internal floorspace reduced from 13,629 sq m to 11,500 sq m.
- The number of student bed spaces reduced from 631 to 583.
- The previous scheme proposed three interconnected building volumes. Scheme 2 divided the accommodation into seven volumes that read as interconnected buildings of varying scales.
- Consequential breaking up and modelling of the facades and roofscape.
- Maximum height reduced from 11 storeys to 9 storeys.
- The previous scheme ranged between 3 and 11 storeys in height; whereas the 2nd scheme was between 3 and 9 storeys.
- The previous scheme employed a single fenestration concept applied across the entire façade. Scheme 2 deployed a varied fenestration to each building block, but with common design features to ensure the development would read as a family.
- Variation in facing materials across the seven building volumes.
- A roof terrace deleted from the eastern end of the 4th floor roof of the building fronting Mile End Road.

- 5.11. The Committee resolved that it was minded to **REFUSE** planning permission on the following grounds:

1. The physical impact of the scheme on the surrounding area in terms of the height, bulk and massing of the proposed building.
2. Inadequate affordable housing contribution in contravention of the Mayor's draft London Plan policy.
3. The requirement for the development to encourage a mixed

community.

- 5.12. The application was DEFERRED to a future meeting of the Committee to enable officers to present a supplemental report setting out reasons for refusal and the implications of the decision.
- 5.13. On **2nd February 2010**, the Strategic Development Committee considered advice in a Supplemental report which may be summarised as follows.

Resolution 1 - Height, bulk and massing

- 5.14. Officers advised that the developer had responded to the Committee's twofold concerns of 23rd September 2009, about the earlier proposal (PA/09/601) involving a 3, 5, 7 and 11 storey building about overdevelopment due to height and inadequate modulation of the facades.
- 5.15. The Committee was advised that the applicant had held discussions with Greater London Authority and the Council officers regarding design amendments to address the reasons for refusal. To that end, Scheme 2 had significantly reduced the height of the development, the number of student bed spaces had been reduced, and the façade enhanced by breaking the building into seven elements.
- 5.16. The GLA had informed the Council that Scheme 2 accorded with the design policies of The London Plan 2008 and the draft replacement London Plan. English Heritage also raised no objection, recommending that the application be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice. In that regard, the Council's Development Design and Conservation Team shared the GLA's opinion that the proposal complied with national guidance and the policy guidance of The London Plan and the Council's Development Plan documents.

Resolution 2 - Absence of affordable housing

- 5.17. The Committee was advised that there are no policies in The London Plan 2008, the Tower Hamlets UDP 1998, or the Council's interim planning guidance 2007 to secure affordable housing for students. The requirement to provide affordable housing applying only to private market residential schemes.
- 5.18. Members had asked for clarification on the emerging policies on affordable housing in the draft replacement London Plan and their applicability to the proposal.
- 5.19. The Committee was informed that the relevant policy in the draft replacement London Plan is policy 3.8 "*Housing Choice*" where Sub policy 3.8 (g) requires the London boroughs in preparing their Local Development Frameworks to address strategic and local requirements for student housing that meet an identifiable need "*without comprising capacity for conventional homes.*" The draft Plan adds (paragraph 3.45) that this applies especially to the provision of affordable family homes and says:

"Unless student accommodation is secured through a planning agreement for occupation by members of specified educational institutions for the predominant part of the year, it will normally be subject to the requirements of affordable housing policy."

- 5.20. It was explained that the fundamental aim of policy 3.8 of the draft replacement London Plan is to ensure that, not only is there is a sufficient supply of student accommodation, but that it is delivered in such a way as to not prejudice the availability of land for conventional housing (and in particular affordable family homes). The site of 438-490 Mile End Road has not been identified on the Proposals Maps of either the Tower Hamlets UDP 1998, or the Council's interim planning guidance 2007, as a site for new residential development. Further, it was not considered ideal for conventional housing, particularly affordable and family units, due to its position on Mile End Road. Importantly, it also now lies within the QMUL "*Knowledge Hub*" shown in the then emerging Local Development Framework Core Strategy which had been approved by Cabinet in September 2009. The proposal would therefore have no impact upon housing land availability.
- 5.21. With regard to compliance with the emerging London Plan in terms of occupation, Members were advised that the offered legal agreement included a clause whereby the student residential accommodation would only be occupied for the predominant part of the year by students attending the associated INTO education facility, Queen Mary University of London, or from an approved list of other further educational establishments. This arrangement was subsequently accepted by the Mayor as compliant with the emerging plan.

Resolution 3 - The development would not encourage a mixed community

- 5.22. The Committee's concern was a land use objection due to the concentration of educational uses in the vicinity of Queen Mary University, and absence of conventional dwellings (or other land use) in the proposed development.
- 5.23. Members were advised that the land uses proposed (teaching accommodation and student housing) are supported by policy 3A.5 of The London Plan 2008, which requires the London boroughs to identify the full range of housing needs in their area including student housing. Paragraph 3.39 of The London Plan 2008 then acknowledges the importance of purpose-built student housing and the role it plays in adding to the overall supply of housing, whilst reducing pressure on the existing supply of market and affordable housing. Policy 3A.13 then requires the borough's policies to provide for special needs housing, including student housing.
- 5.24. Members were advised that the site was not identified for new housing by the Proposals Map of the Tower Hamlets UDP 1998 and UDP policy HSG14 encourages development which meets the needs of residents with special needs, including students. The UDP says (paragraph 5.29) that student housing will be considered in a variety of locations, providing there is no loss of permanent housing (which is the case here) and notes that additional student housing could release Class C3 dwellings elsewhere in the borough. There is no requirement in the Plan for developments involving student housing to include other land uses including Class C3 dwellinghouses.
- 5.25. Members were also informed that the Council's interim planning guidance 2007 is more site specific with then Core Policy CP24 stating that the Council will promote special needs and specialist housing by, inter alia, focusing purpose built student housing on the Queen Mary University Campus. Although the application site is not within the QMUL campus, Members noted that the Mile End Vision Key Diagram of the Local Development Framework Core Strategy

approved by Cabinet showed the expansion of the Queen Mary University Knowledge Hub to the south side of Mile End Road embracing 438-490 Mile End Road and the development would accord with that allocation which does not propose that a development of educational facilities should also provide Class C3 dwellinghouses or other land uses.

5.26. The Committee decided to **GRANT** conditional planning permission subject to a legal agreement with the developer. The planning permission was issued 17th May 2010 when an agreement under the following Heads was executed:

1. The student residential accommodation shall only be occupied for the predominant part of the year by students attending the INTO education facility, Queen Mary University of London, or from a list of other further educational establishments that has been approved by the local planning authority.
2. In perpetuity; no part of the student residential accommodation shall be used as a Use Class C3 dwellinghouse.
3. Prior to commencement of development a financial contribution of £120,000 towards environmental improvements within the Mile End Intersection Area Study of the High Street 2012 project.
4. Prior to commencement of development a £20,000 contribution to Transport for London to enhance the pedestrian crossing on Mile End Road.
5. Prior to commencement of development a contribution of £100,000 towards local community education initiatives and cultural facilities.
6. Prior to commencement of development a contribution of £20,000 towards local employment and training initiatives.
7. Prior to the commencement of development a £500,000 contribution for improvements to the Bancroft Library or for other improvements to library or cultural facilities within the vicinity of the development.
8. Prior to first occupation of the development a contribution of £1,490,000 towards the provision of new youth facilities (which may include sports and leisure facilities).
9. Arrangements that provide for the teaching facility within the development to be made accessible to the local community for up to 20 hours a month.
10. The establishment of a bursary scheme for five years to facilitate students from the Ocean Estate studying at QMUL (£3,000 per student / £30,000 per annum up to a total of £150,000).
11. Car free arrangements that prohibit residents and users of the development, other than disabled people, from purchasing on-street parking permits from the borough council.
12. The submission and implementation of a Travel Plan comprising a Workplace and Residential Travel Plan, a Service Management Plan and a Construction Logistics & Management Plan.
13. To participate in the Council's Access to Employment and / or Skillsmatch programmes.
14. To participate in the Considerate Contractor Protocol.
15. Restriction on the hours of use of the roof terrace.

5.27. The total financial contribution amounted to £2,250,000 plus the £150,000 bursary scheme. £760,000 was due before commencement and £1,490,000 prior to occupation. The Council has received the pre-commencement payment of £760,000.

5.28. On 20th September 2010, measures to secure decontamination of the site were approved. Details of a Construction Logistics Management Plan and a Draft Service Management Plan required by the section 106 agreement were approved on 9th November 2010.

6. POLICY FRAMEWORK

6.1. For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. The following policies are relevant to the application:

6.2. **Spatial Development Strategy for Greater London (The London Plan 2008)**

Policies	2A.1	Sustainability criteria
	3A.3	Maximising the potential of sites
	3A.5	Housing choice
	3A.6	Quality of new housing provision
	3A.7	Large residential developments
	3A.10	Negotiating affordable housing
	3A.13	Special Needs Housing
	3A.25	Higher and further education
	3C.1	Integrating transport and development
	3C.2	Matching development to transport capacity
	3C.3	Sustainable Transport
	3C.23	Parking strategy
	4A.1	Tackling climate change
	4A.2	Mitigating climate change
	4A.3	Sustainable design and construction
	4A.4	Energy assessment
	4A.5	Heating and cooling networks
	4A.6	Decentralised energy
	4A.7	Renewable Energy
	4A.9	Adapting to climate change
	4A.11	Living roofs and walls
	4.A.14	Sustainable drainage
	4A.16	Water supply and resources
	4A.19	Improving air quality
	4B.1	Design principles for a compact city
	4B.2	Promoting world class architecture and design
	4B.3	Enhancing the quality of the public realm
	4B.5	Creating an inclusive environment
	4B.6	Safety, security and fire prevention
	4B.8	Respect local context and communities
	4B.10	Large scale buildings, design and impact
	4.B.11	London’s built heritage
	4B.12	Heritage conservation
	5C.1	The strategic priorities for North East London
	6A.5	Planning obligations

6.3. **Tower Hamlets Unitary Development Plan 1998 (saved policies)**

Proposals: Unallocated. Within 15 metres of a strategic road. Designations within the vicinity of the site are as follows:

- Queen Mary College lies within an Arts, Culture and Entertainment Area.
- Mile End Park - Metropolitan Open Land.
- The Grand Union Canal - Green Chain.

Policies:	ST43	Public Art
	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV3	Mixed Use Development
	DEV4	Planning Obligations
	DEV12	Provision of Landscaping
	DEV51	Contaminated land
	DEV55	Development and Waste Disposal
	DEV56	Waste Recycling
	DEV69	Efficient Use of Water
	EMP1	Promoting Employment Growth
	HSG13	Internal Space Standards
	HSG14	Special needs housing
	T16	Impact of traffic generation
	T18	Safety and convenience of pedestrians
	T21	Pedestrian Needs in New Development

6.4. Tower Hamlets interim planning guidance 2007

Proposals: Unallocated except for 'Proposed Cycle Route'. . Designations within the vicinity of the site are as follows:
 Mile End Park - Metropolitan Open Land, Public Open Space and Site of Importance for Nature Conservation.
 The Grand Union Canal - Green Chain and part of the Blue Ribbon Network.

Development	DEV1	Amenity
Control	DEV2	Character & Design
Policies:	DEV3	Accessibility & Inclusive Design
	DEV4	Safety & Security
	DEV5	Sustainable Design
	DEV6	Energy Efficiency & Renewable Energy
	DEV8	Sustainable drainage
	DEV9	Sustainable construction materials
	DEV10	Disturbance from Noise Pollution
	DEV11	Air Pollution and Air Quality
	DEV12	Management of Demolition and Construction
	DEV13	Landscaping and Tree Preservation
	DEV14	Public Art
	DEV15	Waste and Recyclables Storage
	DEV16	Walking and Cycling Routes and Facilities
	DEV17	Transport Assessments
	DEV19	Parking for Motor Vehicles
	DEV20	Capacity of Utility Infrastructure
	DEV22	Contaminated Land
	EE2	Redevelopment / Change of Use of Employment Sites

HSG1	Determining Residential Density
HSG7	Housing amenity space
CON2	Conservation Areas

Tower Hamlets Core Strategy adopted 2010

Spatial Policies	SP01	Apply a town centre hierarchy and create a new neighbourhood centre to reflect existing mixed use activity Mile End. Ensure the scale and type of uses within town centres are consistent with the hierarchy, scale and role of each town centre. Promote good design at town centres.
	SP02	Provide for specialist housing needs by working with the borough's universities to enable the provision of student accommodation to meet identified needs by focusing student accommodation supporting Queen Mary University in close proximity to the university.
	SP07	Support the growth and expansion of further and higher education facilities.
	SP10	Protect and enhance heritage assets and their settings.
	SP11	Carbon reduction emission reduction target of 60% by 2025.
	SP13	Planning obligations.
Mile End Vision		<i>A lively and well connected place with a vibrant town centre complemented by the natural qualities offered by the local open spaces."</i>

6.5. Supplementary Planning Guidance/Documents

Designing Out Crime
Landscape Requirements
The Mayor of London's Housing Supplementary Planning Guidance
East London Sub Regional Development Framework 2006

6.6. Government Planning Policy Guidance/Statements

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport
PPS5	Planning and the historic environment
PPS22	Renewable Energy
PPG24	Noise

6.7. Community Plan

The following Community Plan objectives relate to the application:

- A Great Place to Live
- A Prosperous Community
- A Safe and Supportive Community
- A Healthy Community

6.8. **Other material considerations**

1. The Government White Paper. The Future of Higher Education 2003
2. Student Housing in Tower Hamlets. LBTH August 2008

7. **CONSULTATION RESPONSE**

7.1. The views of officers within the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The following were consulted regarding the application.

Greater London Authority (Statutory consultee)

7.2. The development is greater than 15,000 sq m gross external area, is more than 30m in height and is therefore referable to the Mayor under Categories 1B and 1 C of the Mayor of London Order 2008.

7.3. The Mayor has concluded that the proposal does not raise any strategic planning issues. This is because notwithstanding the additional storey, the proposal does not differ from the previous application to raise issues of strategic concern. The additional height remains lower than that of a historical application for the site, on which the Mayor was also consulted, and to which he raised no strategic objections.

7.4. This is subject to the application incorporating the previously negotiated section 106 contributions and other improvements as agreed with Transport for London namely:

- £20,000 for an improved crossing on Mile End Road.
- Provision of a car-free agreement, delivery and servicing plan, construction logistics plan and travel plan.

7.5. The Mayor therefore advises that he does not need to be consulted further on the application which the Council may determine without further reference to the GLA.

7.6. (Officer comment: Appropriate Heads of agreement are recommended).

Transport for London (Statutory consultee)

7.7. No separate representations received (included within GLA comments).

London Underground Limited

7.9. No representations received. Previously confirmed that the developer has consulted London Underground and should continue to work with LU engineers.

Olympic Delivery Authority (Statutory consultee)

7.10. No reply received. Previously advised that the proposal does not conflict with any of the ODA's planning principles.

English Heritage (Statutory consultee)

- 7.11. Advises that Mile End Road forms part of the High Street 2012 route. It is important that development of this scale is of a quality commensurate with the fine range of University buildings on the north side of the road. Should the proposal be approved, conditions should be attached with regard to materials and details and to ensure that additional street trees are planted. Recommends that the application is determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice.
- 7.12. (Officer comment: Conditions regarding facing materials and detailed design are recommended. The proposal involves new planting within the development site along Mile End Road and a condition to ensure landscaping within the site is also recommended. The High Street 2012 improvements will include additional tree planting on the public highway.

Commission for Architecture and the Built Environment (CABE)

- 7.13. Unable to comment due to insufficient resources.

Thames Water Plc

- 7.14. No objection regarding water infrastructure. Requests a condition requiring the approval of a piling method statement to ensure the works do not impact on underground water and sewage infrastructure.

(Officer comment: An appropriate condition is recommended).

Metropolitan Police

- 7.15. Previously generally happy with the design, improvements in the streetscape and the creation of an active frontage. Concerned about the potential for break in from the rear, the side entrances, and the Toby Lane access. Side gates, vehicular entrance gates and the rear boundary wall should be sufficiently high to stop easy access. With regard to the current application, concerned about the introduction of an undercroft on Mile End Road and the use of wooden louvred panels to the rear entrance building on Toby Lane.

- 7.16. (Officer comment: A condition is recommended to require final approval of the detailed design of landscaping including gates walls, fences, external lighting, a CCTV system and facing materials. Revised plans have been submitted eliminating public access to the undercroft. An informative advising further consultation with the Metropolitan Police is recommended).

London Fire and Emergency Planning Authority

- 7.17. Indicates that if the existing water supplies are maintained, the provision of water for use by the Fire Service should be adequate.

British Waterways Board (Statutory consultee)

- 7.18. No objection, but advises that the submitted Sustainability and Energy Statement does not consider the use of the canal and heat exchange technology. Requests a section 106 contribution of £10,000 towards a waterway wall survey of the stretch of the Regents Canal opposite the site. BWB Engineers have concerns that while the surfacing of the towpath in this area is in reasonable condition, the waterway wall is poor, and the impact of additional pressure could cause it to fail,

causing damage to the towpath. BWB consider the request reasonable as occupiers of the scheme will make use of the towpath and canal for amenity and as a walking and cycling link.

7.19. (Officer comments: The same comments regarding heat exchange were made by British Waterways on the 1st and 2nd applications. The applicant advised that the option to use canal water for the cooling of the development was considered in the early design stages. It was found unfeasible because of the difficulty in routing pipe work from the building to the canal. There are no routes from the proposed building to the canal that do not pass either through privately owned land or underneath Mile End Road. Neither of these options was deemed feasible. This is accepted.

7.20. Officers are not satisfied that BWB's request for funds to undertake a survey of the canal wall complies with Regulation 122 of the Community Infrastructure Levy Regulations 2010 which say that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

Inland Waterways Association

7.21. No representations received. Previously raised no objection.

Tower Hamlets Primary Care Trust

7.22. Advises that there are GP capacity problems within the locality with limited scope for expansion. Request a section 106 contribution towards funding a new facility on the Mile End Hospital site. On the basis of 641 bed spaces, the PCT calculates the contribution required via the HUDU model at £438,000 capital contributions from 2010/11 to 2015/16.

7.23. (Officer comment: At its meeting of 20th October 2010, in the case of 60 Commercial Road, which involved 383 units of student accommodation, the Committee determined that a contribution of £166,662 (£435 per unit) was justified. Applying the same figure to the Mile End Road Proposal would result in a health contribution of £278,835. The developer has agreed such a contribution and an appropriate Head of agreement is recommended).

Environmental Protection

7.24. The development is acceptable in terms of daylight / sunlight impacts on adjoining property. Previously recommended that any planning permission be conditioned to secure decontamination of the site. The building would be subject to Noise Exposure Category D where PPG24 advises that planning permission for residential development should normally be refused. If planning permission is to be granted, conditions should be imposed to ensure sound proofing and acoustic ventilation to provide a commensurate level of protection. All windows to habitable rooms exceeding the Air Quality Objective for Nitrogen Dioxide should have non-opening windows. Mitigation in the form of mechanical ventilation must be provided and maintained for the lifetime of the development for those facades exceeding the objective. Clean air for any mechanical ventilation must be drawn from the rear of the property, away from the Mile End

Road. Previously concerned about ground borne noise impact from Underground trains on the ground floor residential/educational uses.

- 7.25. (Officer comment: A scheme of decontamination has been approved and a condition is recommended to require the submission of a validation report confirming the works have been undertaken. A condition to secure, sound proofing and mechanical ventilation is also recommended. With regard to ground borne noise, the developer has advised that the foundations will be part-raft and part-piled, the principles of which have been agreed with London Underground Limited. The foundations and superstructure will be designed to minimise the transmission of vibrations from the railway tunnels by the incorporation of either deadening or isolation measures. Given the bespoke foundation solution, it is not possible to provide details of the noise / vibration insulation measures until the detailed design stage. The developer however is confident that the solution will ensure a satisfactory living and working environment for future occupiers. It is suggested that this issue can be dealt with via a planning condition and an appropriate condition is recommended).

Traffic and Transportation

- 7.26. Previously advised that the site is in an area of excellent public transport accessibility. Proposed bicycle parking accords with standards. There will need to be agreements under the Highways Act with the Council and Transport for London for works affecting the public highway.

Concerns have been raised about the capacity of the service bay to accommodate servicing vehicles however a condition prohibiting loading and unloading from taking place off-site would mitigate against any possible impacts of the highway. This matter will also be further reviewed as part of the Service Management Plan.

Concern has also been raised about the spacing of the cycle stands however the applicant has confirmed that these meet with the manufactures recommended guidelines

Recommends a section 106 agreement to secure:

- Car free arrangements.
- The submission and implementation of a full Transport Plan, a Construction Management Plan, and a Service Management Plan.

And conditions to secure

- Retention and maintenance of the cycle stands
- Retention of disabled parking bays and service bays for disabled parking and servicing only.

- 7.27. (Officer comment: An appropriate condition and Heads of agreement are recommended).

The Olympic Team (2012 Unit)

- 7.28. Previously advised that the new building accords well with the High Street 2012 vision, replacing buildings and a land use that has had a detrimental impact on

the street. It would provide a good edge and active frontage to Mile End Road and contribute to forming a busy and well overlooked street environment.

- 7.29. The applicant offered a £620,000 contribution to help fund the High Street 2012 project. This was reduced by Committee to £120,000 with £500,000 allocated to the Bancroft Library improvements. The £120,000 will contribute to the delivery of improvements in access to Mile End Park. A further contribution of up to £500,000 is requested to achieve the following:

Works to the footway between Harford Street and Grand Walk:	£245,000
Re - landscaping the public open space east of the development:	£200,000
Enhanced access to Mile End Park and the Regent's Canal and enhanced connection between Mile End Park and the Regents Canal:	£ 35,000
Accent lighting to "heritage" buildings at the end of Grove Road:	£ 20,000
TOTAL	£500,000

- 7.30. (Officer comment: The recommended contribution to High Street 2012 remains at £120,000 as previously instructed by Committee. This is because the applicant has agreed a pro-rata increase in the overall financial contribution of £224,000 plus an additional £54,835 (total £278,835) to fund health service provision not previously requested by the Primary Care Trust.

Parks and Open Spaces

- 7.31. No comments received.

Director of Children, Schools and Families

- 7.32. No observations.

Director of Communities, Localities and Culture

- 7.33. The application proposes an additional 58 student housing units which will increase demand on community, cultural and leisure facilities. Requests s106 financial contributions as follows:

Open Space Contribution

- 7.34. No additional publicly accessible open space is proposed on-site. Based on the Council's open space standard of 12 sq m / 1person the additional 58 student housing units generates overall deficiency an overall of 696 sq m of open space.
- 7.35. Based on the figure for a new Local Park derived from the Infrastructure Delivery Plan (IDP) of £66.8685 / sq m, a total open space contribution of £46,540 is requested to mitigate the impact of the population increase on existing open space within the borough.

Library/Idea Store Facilities Contribution

- 7.36. The need for additional Idea Stores is identified in Appendix Two of the Core Strategy (Page 135). In addition, the IDP shows the need to provide 646 sq m of library space borough-wide between 2009 and 2015 to address population growth.

- 7.37. A tariff approach to s106 contributions for Libraries and Archives has been developed by the Museums, Libraries and Archives Council. This is referred to in the IDP and assumes a requirement of 30 sq m of library space per 1,000 population. The standard uses construction index figures and applies a cost of £3,465 / sq m for London. This results in a per capita cost of £104. On the basis of a population uplift of 58 students, a Library/Idea Stores contribution of £6,032 is requested.

Leisure and Community Facilities Contribution

- 7.38. The Core Strategy identifies the need for additional Leisure and Community facilities in the borough (Appendix Two, Page 134 – 135) and directs these uses towards the Tower Hamlets Activity Areas, Major Centres and District Centres (Page 36, SP01) such as Mile End.
- 7.39. The proposed increase in student housing units will increase demand on existing Leisure and Community facilities. A financial contribution is therefore required to offset this.
- 7.40. A Sports Facility Calculator for s106 purposes has been developed by Sports England. The Calculator determines the amount of water space, halls and pitches required as a result of population increases caused by new development. It then uses building cost index figures to calculate the cost associated. The model generates a total Leisure and Community Contribution of £27,154.
- 7.41. (Officer comments: The applicant had agreed a £620,000 contribution to the High Street 2012 project. The Committee reduced this to £120,000 which will contribute to improvements in access to Mile End Park. The applicant has agreed a commensurate contribution of £500,000 to the Bankcroft Library. Contributions of £100,000 to community education and cultural facilities and £1,490,000 towards new youth, sport and leisure activities have also been agreed.

Waste and Recycling Contracts Manager

- 7.42. Satisfied with proposed arrangements for refuse and recycling storage.

Head of Children's Services Contract Services

- 7.43. No comments received. Previously advised that security to the Council's Toby Lane Depot should be maintained. The catering operation for the elderly and vulnerable of the community operates 365 days a year and disruption will have major implications for this group of users.
- 7.44. (Officer comment: The application proposes a solid wall 2.4 m in height along the rear boundary. The developer previously advised that they will develop the detailed design of the wall in consultation with Contract Services in order to incorporate any appropriate additional security measures. The developer also confirms that a secure boundary would be provided during the construction phase which, again, they are happy to develop in consultation Contract Services. There will be 24 hour on-site management / security provided within the proposed new facility which will monitor all boundaries and access points to the site particularly outside of normal working hours which will improve general security in the local area including the Toby Lane Depot).

Corporate Access Officer

7.45. Access arrangements are satisfactory.

Landscape Development Manager

7.46. No comments received.

Sustainable Development Manager

7.47. Advises that the submitted energy strategy follows the energy hierarchy set out in policy 4A.1 of The London Plan 2008. Recommends that any planning permission is conditioned to ensure the provision of the means of energy efficiency and renewable energy. Also recommends a condition to ensure a BREEAM 'Excellent' rating.

7.48. (Officer comment: Appropriate conditions are recommended).

8. LOCAL REPRESENTATION

8.1. A total of 404 neighbouring properties within the area shown on the map appended to this report, together with all individuals and bodies who made representations on the first application, have been notified about the revised application and invited to comment. The application has also been publicised in East End Life and by four site notices. The number of representations received from neighbours following publicity of the 3rd application is as follows:

No of individual responses:	Objecting:	Supporting:
1	1	0

8.2 No. of petitions received: 0

8.3. The objector's points may be summarised as follows:

- The 2nd application was approved by the Committee due to reductions to the height and to the density. The 3rd application seeks to put the height and density back up. The developers ignore the planning history and fly in the face of the approved reduced height and density. Permitting this aggrandised development would create a precedent for such developments in the borough and residents will suffer as developers obtain permission after a battle of attrition with residents and the local authority and once permission is gained revert to their original objective and plans.
- Local residents objected to the 1st application as their area and community suffer as Mile End becomes a 'campus town'. It is not just that the students will be migrants, temporarily living in Mile End, but that the area around the development will become subsumed.
- Residents of Mile End do not want it to become a campus town. There are already problems of clubs and take-aways that proliferate in student areas. There is little benefit to residents in fostering this night-time economy in Mile End especially when it mostly serves the student

population.

- Residents never determined that Mile End was to be part of the 'Queen Mary University Knowledge Hub' within the Council's Core Strategy. Residents were not involved when Queen Mary University approached the Council's planners in 2007 and 2008 to determine what happened to Mile End in the Core Strategy and in particular the "Peugeot Garage site."
- Local doctors and dentists lists are already full.
- Adjacent streets will have to be co-opted as 'service' roads for this mega-complex while visitors and students who arrive by car will be parking in the streets as no parking is provided.
- Students will not only be going to Queen Mary University but also other colleges across London placing a burden on public transport.
- The application boasts that the local housing stock of larger homes will be freed up by the proposed 641 student "bedspaces." This is not borne out by reality as many students would rather opt for sharing in a non-campus flat or house. The waiting list for family housing in Tower Hamlets is a recognised problem. This site should have been protected and used for much-needed family housing and not swallowed up by the 'Queen Mary University Knowledge Hub'.
- The development will negatively impact on historic Mile End Road with a vast expanse of dead frontage. High security will be required, making the structure impervious and uninviting to residents, neighbours and those visiting our borough.
- There is no 'retail offer' to replace what we have lost. Nothing to improve the amenity for local people. Just a risible offer of a few hours use of a room in the complex for educational purposes.
- The increased height will plunge Mile End Road into deeper and longer shadow blotting out the sun from the south.
- There are historic buildings that were landmarks in this area. The church spire of Guardian Angels Church, once the local landmark for Mile End – will be lost as the street scene and skyline is dominated by tower blocks.
- Conservation areas will be negatively affected – most markedly the Regents Canal Conservation Area which will be overlooked by two five storey blocks.
- Mile End Park will forever be marred by this mega-development which will dominate the vistas of this open green space.
- Mile End and its communities will be negatively impacted with the local area blighted. The Council's decision on 2 February 2010 was accepted as residents believed that the authority would not be held to ransom by another application which seeks to revert to the original refused plan. This application seeks to maximise the developers and their partners' profit to our detriment.

8.4. (Officers comments: The impact of or the over-provision of student accommodation within an area can be of concern to authorities and residents. Excessive student accommodation within a particular area may have a cumulative effect of over - concentration of students and may undermine the character and function of the area. This is dependant on the size and quantum of the student residents to the general population.

8.5. The application site is on a main road not within a predominantly residential area. The Council has designated the land as part of the QMUL Knowledge

Hub within its Core Strategy which was subject to public consultation and independent examination. The Committee has twice previously determined that the site is a suitable for location for student housing. The 1st application, although refused on design grounds, involved 631 bed spaces only 10 spaces less than now proposed. It is considered that this increase is immaterial.

- 8.6. The effect on parking will be negligible. The site lies in a controlled parking zone with residents of the development prohibited from purchasing parking permits. There is no policy requirement for parking to be provided in student housing developments.
- 8.7. The development would reinstate a street frontage to Mile End Road. The teaching facility would occupy the ground floor with activity provided by the entrance, visible teaching space and ancillary restaurant.
- 8.8. Both the London Plan and the Tower Hamlets UDP1998 acknowledge the importance of purpose-built student housing and the role it plays in adding to the overall supply of housing whilst reducing pressure on the existing supply of market and affordable housing).

Mile End Residents Association

- 8.9. The additional storey will return this development back to a scheme similar to the one previously refused. Any further student accommodation in Mile End will impact on the amenity and environment of residents in a highly residential area. Residents have serious concerns about the development of the “night time economy” in the area and the associated litter and disturbance.
- 8.10. The additional student accommodation does not accord with the emerging London Plan Policy 3.10 - “Mixed and balanced communities” or the Council’s desire to encourage more mixed-use development in the borough. Communities on estates in the area are already being weakened by the “build for sale” infill developments which tend to be bought by buy to let investors. These are occupied by transient residents with no bonds to the community. The same can be said for inhabitants of student accommodation.
- 8.11. (Officer comment: Draft Replacement London Plan policy 3.10 says that communities mixed and balanced by tenure and household income should be promoted across London to foster social diversity, redress social exclusion, and strengthen communities’ sense of responsibility for, and identity with, their neighbourhoods. The site is on a main road within a mixed-use not a predominantly residential area. It is designated as part of the QMUL Knowledge Hub within the Council’s Core Strategy 2010 and the Committee has twice previously determined that the site is a suitable for location for student housing). Uses associated with the “night time economy” are likely to require planning permission with applications determined on planning merit.

Queen Mary University of London (QMUL)

- 8.12. The College supports development which will realise the “*knowledge hub*” envisaged by the Core Strategy, and appreciate higher density development will be needed to facilitate this.

Design

- 8.13. QMUL consider the proposed additional floor and width will overburden the site with a bulky form inappropriate to the site and locality. The permitted scheme will present a significant increase in the massing of development as seen from all viewpoints along Mile End Road. Although the proposed additional storey does not represent a significant increase in the overall height and mass, such an incremental increase will result in a negative change in the impact of the development, lessening the positive characteristics of the permitted scheme. The reasons for reducing the height from the original part 11 storey building remain valid. In particular, the additional bulk to link to Lindrop House would reinstate an exceptional mass which would be out of character with the surrounding buildings and inappropriate to a visually apparent site on Mile End Road.
- 8.14. (Officer comment: Whilst the revisions to both height and length move away from the design approved by Committee it is not considered that that are so significant to warrant a refusal of permission).

Accessibility

- 8.15. QMUL previously raised concerns regarding the number of students accessing the development on 'move in' weekends by car. The implications of the additional rooms should be taken into account. The development is largely car free and the Council should not believe it is linked to the existing campus, or that the management of visitors in cars or students moving in could be accommodated by over-spill parking on the QMUL campus. The additional 58 student rooms will add to the transport impact of the development and pressure on local parking facilities at peak time. If the additional rooms are accepted, QMUL request a management agreement to be drafted and agreed with the Council.
- 8.16. (Officer comments: It is appreciated that there is no direct connection between the development and QMUL. The entire surrounding area is a controlled parking zone. Parking management on the QMUL campus is a matter for the College and the Council should be involved parking control on private land).

Noise

- 8.17. QMUL are concerned that despite noise mitigation measures, the location on Mile End Road, within Noise Category D, would result in an unacceptable environment not conducive to student accommodation. The increase in student bedrooms will exacerbate this.
- 8.18. (Officer comments: A condition is recommended to ensure the provision of acoustic glazing and ventilation to achieve satisfactory living conditions).

Bursary scheme

- 8.19. Additional accommodation should not water down the section 106 agreement of £30,000 per annum for five years for up to ten students from the Ocean Estate (or elsewhere in Tower Hamlets if less than ten applicants). The total of £150,000 should be amended to reflect any increase in bed spaces.
- 8.20. (Officer comment: The developer has agreed a pro-rata increase in the bursary scheme of £15,000 to a total of £165, 000 i.e. eleven students over five years).

8.21. The following issues were raised in representations that are material to the determination of the application and are addressed in the next section of this report:

9. MATERIAL PLANNING CONSIDERATIONS

9.1. The substantive changes proposed by this current application are set out at paragraph 4.3 above. These principally involve the provision of an additional storey to the four western modules of the building and a 6-storey high extension abutting 'Lindrop House' with a resultant 10% increase in the number of student bed spaces to 641. The consequential planning issues that the Committee must consider are:

- Land use.
- The amount of accommodation.
- Urban design and the effect of the development on the character and appearance of the Regents Canal Conservation Area and the setting of listed buildings.
- Amenity of adjoining premises.
- Access and servicing arrangements.
- Amenity space and landscaping.
- Sustainable development/ renewable energy.
- Air quality.
- Planning obligations.

Land use

9.2. The Committee has twice previously determined that the provision of teaching and student residential accommodation on the application site is acceptable in land use terms due to compliance with policy set out below and the then Core policies of the Council's interim planning guidance 2007. The latter have now fallen away following the adoption of the Council's Core Strategy 2010.

9.3. The Council's publication "Student Accommodation in Tower Hamlets" August 2009, advises that London is an international centre for the creative industries and the knowledge economy. It is a world centre of academic excellence and providing research. It leads in providing skilled workers in a global economy. The city attracts students and scholars from all over the world. The borough has two main universities: Queen Mary University of London, with its campuses at Mile End and The Royal London Hospital at Whitechapel, and London Metropolitan University in Aldgate.

9.4. In a national context, the Government's 2003 White Paper, 'The Future of Higher Education' proposed to increase the number of students in higher education to 50% of 18-30 year olds by 2010 from 43% in 2008.

9.5. In requiring local planning authorities to identify and plan for the accommodation requirements of its population, the Government's Planning Policy Statement 3: '*Housing*' acknowledges that students need to be considered in local housing needs assessments.

9.6. There is currently an acute shortage of purpose-built accommodation for students within London, resulting in a significant mismatch between demand and supply. At the regional level, there are currently some 250,000 full-time

students studying in London. However, only 16% live in purpose-built accommodation, the balance living either at home (16%) or houses in the private rented sector (55%).

- 9.7 There are approximately 20,000 full-time students based at the borough's higher education institutions. However, less than a quarter currently live within specialist housing, whilst demand surveys indicate that up to 40% of students are seeking purpose-built accommodation. There are some 15,000 students at QMUL. However, the campus provides purpose-built accommodation for just some 2,112 students; the remainder being forced to find accommodation within the private rented sector or stay at home. The impact of these students taking up accommodation in the private rented sector is a reduction in the general housing stock and, in particular, of larger units which are attractive for multiple-occupation. This is a particular issue for Tower Hamlets with its problems of housing shortage, especially family-sized units.

The London Plan 2008

- 9.8. The London Plan 2008 provides the Mayor's strategic objectives the most relevant of which to this application are to:

“Make the most sustainable and efficient use of space in London and encourage intensification and growth in areas of need and opportunity

Achieve targets for new housing... that will cater for the needs of London's existing and future population.”

- 9.9. The London Plan recognises the role of higher education in supporting London's position as a world city, along with the benefits resulting from associated employment opportunities, and by attracting investment into the economy.

- 9.10. In terms of housing, The London Plan seeks to increase the supply of accommodation (Policy 3A.1) by ensuring that proposals achieve the maximum intensity of use compatible with local context, design policy principles and public transport capacity (Policy 3A.3).

- 9.11. Policy 3A.5 requires boroughs to take steps to identify the full range of housing needs in their area. Paragraph 3.39 acknowledges the importance of purpose-built student housing and the role it plays in adding to the overall supply of housing whilst reducing pressure on the existing supply of market and affordable housing. Policy 3A.13 requires the borough's policies to provide for special needs housing including student housing.

- 9.12. Policy 3A.25 of The Plan states that the Mayor will work with the higher education sectors to ensure the needs of the sectors are addressed by:

- *“Promoting policies aimed at supporting and maintaining London's international reputation as a centre of excellence in higher education;*
- *Taking account of the future development needs of the sector, including the provision of new facilities and potential for expansion of existing provision;*
- *Recognising the particular requirements of Further and Higher Education Institutions for key locations within good public transport*

- access, and having regard to their sub-regional and regional sphere of operation; and
- *Supporting the provision of student accommodation”.*

The Draft Replacement London Plan

- 9.13. The Draft Replacement London Plan was published in October 2009 for its first round of consultation. The Examination in Public commenced in the summer of 2010 was scheduled to conclude in December 2010 with the Inspector’s report published in 2011. The Plan therefore carries limited weight at present
- 9.14. Policy 3.8 - Housing Choice says that boroughs should work with the Mayor and local communities to identify the range of needs likely to arise within their areas and ensure that strategic and local requirements for student housing meeting a demonstrable need are addressed by working closely with higher and further education agencies and without compromising capacity for conventional homes.
- 9.15. Paragraph 3.44 says that London’s universities make a significant contribution to its economy and labour market. It is important that their attractiveness and potential growth are not compromised by inadequate provision for new student accommodation. While there is uncertainty over future growth in the London student population and its accommodation needs, even if requirements from overseas students associated with the London Higher group of universities (the largest recent source of demand for new accommodation), was to fall by a half, this could still approximate to a need for 20,000 – 25,000 places over the 10 years to 2021. New provision may also tend to reduce pressure on other elements of the housing stock currently occupied by students, especially in the private rented sector.
- 9.16. Paragraph 3.45 adds that addressing these demands should not compromise capacity to meet the need for conventional dwellings, especially affordable family homes, or undermine policy to secure mixed and balanced communities. The Plan says that this may raise particular challenges locally, and especially in parts of inner London where almost three quarters of the capacity for new student accommodation is concentrated.
- 9.17. The Plan says that unless student accommodation is secured through a planning agreement for occupation by members of specified educational institutions for the predominant part of the year, it will normally be subject to the requirements of affordable housing policy.
- 9.18. The fundamental aim of policy 3.8 is therefore to ensure that not only is there is a sufficient supply of quality student accommodation, but that it is delivered in such a way as to not prejudice the availability of land for conventional housing and, in particular, affordable family homes. In these respects, the application site is considered unsuitable for permanent housing (particularly affordable and family units) due to its position on Mile End Road. Importantly, it lies within the QMUL “*Knowledge Hub*” identified within the Council’s Core Strategy 2010. Accordingly, the proposal would have no impact upon housing land availability. Indeed, by helping to address the shortage of student accommodation, the development could reduce the pressure on other land that is better suited to conventional housing development.
- 9.19. The recommended section 106 Agreement includes a Head whereby the student residential accommodation would only be occupied for the predominant

part of the year by students attending the INTO education facility, QMUL, or from a previously agreed list of other further educational establishments or as approved in writing by the local planning authority. The developer agreed to this in the case of application PA/09/1916. Consequently, there is no requirement for the development to provide affordable housing.

Sub Regional Development Framework - East London 2006

- 9.20. The Sub Regional Development Framework for East London 2006 provides guidance to east London boroughs on the implementation of The London Plan. In terms of education, the Framework recognises the significance of the sector in terms of London's overall economic base, notes that the East London Sub-Region accommodates five higher education institutions and over 44,000 students (12% of the London total) and encourages opportunities for the provision of academic facilities and student housing.

Tower Hamlets Unitary Development Plan 1998 (UDP)

- 9.21. Except for indicating a cycle route on Mile End Road, the site is unallocated on the Proposal Map of the UDP 1998.
- 9.22. In terms of student housing, UDP policy HSG14 states that the Council will encourage development which meets the needs of residents with special needs, including students. The Plan explains (paragraph 5.29) that the Council will consider student housing in a variety of locations providing there is no loss of permanent housing, which is the case here, and again notes that additional provision could release dwellings elsewhere in the borough in both the public and private rented sectors.

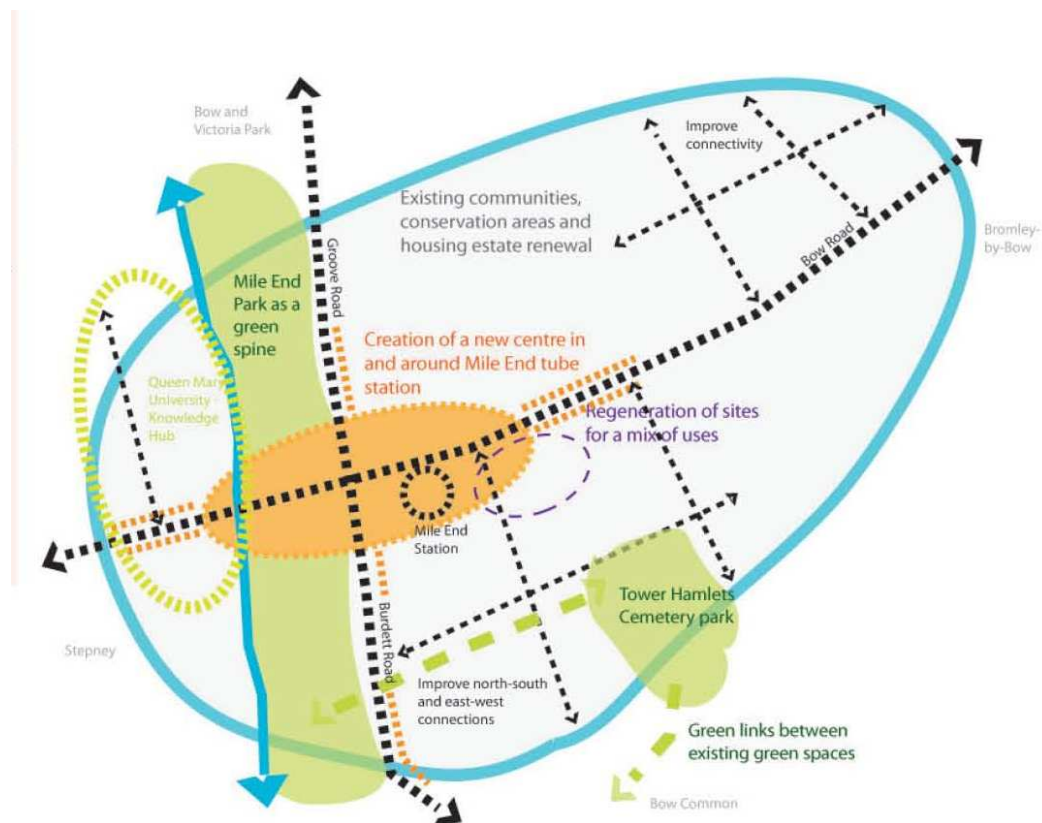
Tower Hamlets interim planning guidance 2007

- 9.23. On the Proposals Map of the interim planning guidance 2007, the site is again unallocated except a 'Proposed Cycle Route' is shown on Mile End Road.
- 9.24. The 'Key Diagram' of the interim planning guidance provides the overall Spatial Strategy and identifies a 'Higher Education Cluster' focussed on the existing QMUL campus at Mile End.
- 9.25. Policy EE2 of the interim guidance states that the redevelopment of existing or former employment sites may be considered appropriate where:
- (i) the applicant has shown the site is unsuitable for continued employment use due to its location, accessibility, size and condition;
 - (ii) there is evidence that there is intensification of alternative employment uses on site;
 - (iii) the retention or creation of new employment and training opportunities which meet the needs of local residents are maximised in any new proposal; and
 - (iv) there is evidence that re-use for similar or alternative employment uses has been explored or there is recent evidence the site is suitable for ongoing employment use.
- 9.26. The former use of the site provided limited employment opportunities. The motor vehicle use provided 20 to 30 jobs whilst the proposed development would result in the provision of 200+ jobs. Specifically, the proposed facility is anticipated to support some 180 jobs including teaching staff and administration

along with cleaning, catering, portering, maintenance, and security staff. This represents a significant increase over the former use in compliance with the employment policies of the interim planning guidance.

Tower Hamlets Core Strategy adopted 2010

- 9.27. The Core Strategy’s “Vision” for Mile End is: *“A lively and well connected place with a vibrant town centre complemented by the natural qualities offered by the local open spaces.”*
- 9.28. The Core Strategy notes that the area will support residential, working and student communities. Queen Mary University of London’s role as a knowledge hub will be supported by the uses in and around Mile End town centre and its public transport interchange.
- 9.29. The Mile End Vision Key Diagram shows the expansion of the Queen Mary University Knowledge Hub to the south side of Mile End Road embracing the application site. In terms of ‘Opportunities and growth,’ the document says that Mile End will undergo housing growth, with development on a number of sites, through infill and housing regeneration. The document notes that QMUL is also continuing to grow.



Mile End Vision Diagram. Adopted Core Strategy 2010

- 9.30. The Priorities for Mile End include:
 - *“To create a mixed-use town centre around Mile End Station to focus retail, leisure, commercial, civic and employment uses along Mile End Road, Grove Road and Burdett Road.*
 - *To increase employment opportunities with a focus on encouraging*

small and medium enterprises in and around the town centre.

- *To support the expansion of QMUL and associated uses while ensuring good integration with surrounding areas.”*

9.31. Core Strategy policy SP02 7 says that the Council will provide for the specialist housing needs of the borough through:

“Working with the borough’s universities to enable the appropriate provision of student accommodation to meet identified needs by:

- Focussing student accommodation supporting London Metropolitan University at Aldgate or in locations that have good public transport accessibility (PTAL 5 to 6).*
- Focussing student accommodation supporting Queen Mary University in close proximity to the university.”*

9.32. The site has a PTAL 5 and 6 and London Metropolitan University at Aldgate is named in the legal agreement with the Council one of the institutions whose students may reside at 438-490 Mile End Road. Whilst QMUL is not involved in the development, the developer anticipates some half the bed spaces would be occupied by students studying with the INTO teaching facility within the building, with the remaining rooms made available for students studying on the QMUL campus. QMUL is again named in the legal agreement as one of the institutions whose students may reside at 438-490 Mile End Road.

9.33. Members have twice previously accepted that the provision of student housing at the application site would address current needs in relation to the shortage of specialist student housing in the borough, whilst reducing pressure on the general housing stock.

9.34. In summary, it is considered that in land use terms the provision of teaching facilities and student residential accommodation at this site accords with the land use policies of The London Plan 2008, the Sub Regional Development Framework, the Council’s 1998 UDP and its Core Strategy 2010.

Amount of development

9.35. The Government’s Planning Policy Statement 1: ‘Delivering Sustainable Development’ 2005 supports making efficient use of land. It advises that this should be achieved through higher density, mixed-use development and returning previously developed land and buildings to beneficial use. This is all as proposed.

9.36. The London Plan policies 4B.1 and 3A.3 outline the need for development proposals to achieve the highest possible intensity of use compatible with local context, the design principles of the compact city, and public transport accessibility. Table 3A.2 of The London Plan provides guidelines on residential density in support of policies 4B.1 and 3A.3.

9.37. Paragraph 4.105 of The London Plan advises that for commercial developments to fulfil Policy 3A.3, plot ratios should be maximised. Site densities of at least 3:1 generally should be achieved wherever there is, or will be, good public transport accessibility and capacity. The ability for plot ratios to be maximised is said to depend on local context, including built form, character, plot sizes and existing or potential public transport, utilities and social infrastructure capacity. The Plan advises that these matters should be assessed when individual

proposals are submitted but they are to be used as a tool to assess density consistently, not to provide specific numerical targets.

9.38. No method of calculating plot ratio is provided by the London Plan. The Tower Hamlets UDP 1998 says plot ratio is arrived at by dividing the gross floorspace of the building by the area of the site. The plot ratio of the proposed development is 3.9:1 which exceeds the within the range advocated by The London Plan for areas such as Mile End Road with good public transport accessibility. The suitability of the site for development at a plot ratio of 3.9:1 in terms of built form and local context is considered below.

9.39. Policy HSG1 of the Council's interim planning guidance 2007 sets out criteria which should be taken into account when determining appropriate residential density. The following matters are relevant to this application:

- *The density range appropriate for the setting of the site, in accordance with Planning Standard 4: Tower Hamlets Density Matrix;*
- *The local context and character;*
- *The need to protect and enhance amenity;*
- *The need to incorporate good design principles;*
- *Access to a town centre (particularly major or district centres);*
- *The provision of adequate open space, including private and communal amenity space and public open space;*
- *The impact on the provision of services and infrastructure, including the cumulative impact; and*
- *The provision of other (non-residential) uses on a site.*

9.40. Table 3A.2 of The London Plan and Planning Standard 4: Tower Hamlets Density Matrix provide a recommended residential density range of 200 – 700 habitable rooms per hectare for "Urban" sites with a PTAL range 4-6. The proposed density of the special needs housing is 1,364 habitable rooms per hectare which again exceeds the guidance.

9.41. As a matter of principle, it is questionable whether it is appropriate to apply a residential density calculation to student housing in the same way as a general purpose housing scheme. As agreed by the Committee at its meeting on 23rd September 2009, the determining factor in this case is the compatibility of the revised design within the local context. Subject to the design matters outlined in policy HSG1 (above) being satisfactory, the density proposed is considered acceptable for a site along a main arterial route. Such matters are considered below.

Urban design, effect on the setting of listed buildings and the character and appearance of the Regent's Canal and Clinton Road Conservation Areas

9.42. At paragraph 43 of PPS1 the Government advises:

"Good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted."

9.43. The Government's PPS5 (Planning for the Historic Environment) 2010 provides detailed guidance on the conservation of the historic environment. Paragraph 7 says that the Government's overarching aim is that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations. . To achieve this, the Government's objectives for planning include the conservation of England's heritage assets in a manner appropriate to their significance by ensuring that:

- decisions are based on the nature, extent and level of that significance, investigated to a degree proportionate to the importance of the heritage asset;
- the positive contribution of such heritage assets to local character and sense of place is recognised and valued; and

9.44. Paragraph HE7.2 states:

'In considering the impact of a proposal on any heritage asset, local planning authorities should take into account the particular nature of the significance of the heritage asset and the value that it holds for this and future generations. This understanding should be used by the local planning authority to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposals.'

9.45. Paragraph HE7.4 goes on to state: *'Local planning authorities should take into account:*

- *the desirability of sustaining and enhancing the significance of heritage assets, and of utilising their positive role in place-shaping; and*
- *the positive contribution that conservation of heritage assets and the historic environment generally can make to the establishment and maintenance of sustainable communities and economic vitality.'*

9.46. Paragraph HE7.5 goes on to state that local planning authorities should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. It states that the consideration of design should include scale, height, massing, alignment, materials and use.

9.47. Policy HE8 reiterates that the effect of an application on the significance of a heritage asset or its setting is a material consideration in determining planning applications. Paragraph HE9.1 goes on to state:

"There should be a presumption in favour of the conservation of designated heritage assets and the more significant the designated heritage asset, the greater the presumption in favour of its conservation should be."

9.48. Significance can be harmed or lost by development within its setting.

9.49. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires the Council in exercising its planning functions, to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. This duty extends to proposals which are outside a conservation area but would affect its setting or views into or out of the area. In

this case, the Regent's Canal Conservation Area adjoins to the east and the Clinton Road Conservation Area lies east of the canal on the opposite side of Mile End Road.

- 9.50. Section 66 of the Act places a further duty on the Council, in determining whether to grant planning permission for development which affects the setting of a listed building, to have special regard to the desirability of preserving the setting of the listed building.
- 9.51. Good design is central to The London Plan and is specifically promoted by the policies contained within Chapter 4B. Policy 4B.1 'Design principles for a compact city' sets out a series of overarching design principles for development in London and seeks to ensure that new development maximises site potential, enhances the public realm, provides a mix of uses, are accessible, legible, sustainable, safe, inspire, delight and respect London's built and natural heritage.
- 9.52. London Plan policy 4B.2 seeks to promote world-class high quality design by encouraging contemporary and integrated designs and policy 4B.5 requires development to create an inclusive environment. Policies 4B.10 and 4B.12 require large-scale buildings to be of the highest quality with boroughs required to ensure the protection and enhancement of historic assets.
- 9.53. Tower Hamlets UDP policy DEV1 requires all development proposals to be sensitive to the character of the area in terms of design, bulk, scale and materials, the development capabilities of the site, to provide for disabled people and include proposal for landscaping.
- 9.54. Development Control policy DEV1 of the Council's interim planning guidance 2007 requires development to protect, and where possible improve the amenity of surrounding building occupants and the public realm. Policy DEV2 requires development to take into account and respect the local character and setting of the site including the scale, height, mass, bulk, and form of development, to preserve and enhance the historic environment and use appropriate materials. Policy CON2 says that development which would affect the setting of a conservation area will be granted only where it would preserve the special architectural or historic interest of the conservation area.

Assessment

- 9.55. The previous car showroom and open sales lots, with its unattractive use, lengthy, weak street edge, poor front elevation, and overall poor architectural treatment, significantly detracted from the quality of the streetscape on Mile End Road. It is considered that this situation would be rectified by redevelopment.
- 9.56. The heights proposed by the three applications at 438-490 Mile End Road have been as follows:
- Application PA/09/601 refused permission on 14th October 2009 involved buildings 5-storey (16.6 metres high) at its eastern end rising to the west to 11-storeys (32.2 metres).
 - Application PA/09/1916 permitted on 17th May 2010 involved buildings 3-storey in height (9.6 metres high) at the eastern end, rising to 9 storeys (28.00 metres high) towards the centre then dropping to 8 storeys (22.7 metres high) at the western end.

- The current proposal PA/09/2091 varies from 3 storeys (9.6 metres high) at its eastern end, rising to 10 storeys (30.8 metres high) towards the centre dropping to 8 storeys (22.9 metres high) at its western end.

9.57. The material differences between the permitted and current proposal are therefore the 2.8 metre increase in height (across four of the building modules) and the 6-storey, 5.4 metres wide, westward extension abutting Lindrop House.

9.58. Clearly, the increase in both height and length revert the development back towards the height the Committee previously found unacceptable. The issue is therefore whether the changes are so significant to warrant a refusal of planning permission due to overdevelopment caused by excessive height in relation to the local context, and the 'terracing' effect with Lindrop House resulting from the western extension.

9.59. Officers previously advised that the development permitted on 17th May 2010 would sit appropriately within the surrounding context, would not have any negative impact in long distance townscape views and would achieve a successful transition in scale along the site's exceptionally long frontage to Mile End Road. This was because the site is within an area containing existing medium and large-scale civic buildings forming part of the Queen Mary College campus. In terms of overall scale and form, it was advised that the building then proposed would be acceptable within that context, creating a defining feature at the southern end of the campus.



View of Approved development looking east along Mile End Road



View of Proposed development looking east along Mile End Road

9.60. The currently proposed building would be broken down into eight main volumes which would read as individual but related elements. The Committee previously accepted that such a design approach overcame Refusal Reason 2 of the decision of 14th October 2009 (Paragraph 5.3 above) concerning inadequate modulation of the façade.

9.61 It is noted that neither the Greater London Authority nor English Heritage raise objection to the increased height and length.



Approved north elevation facing Mile End Road



Proposed north elevation facing Mile End Road

9.62. Listed building considerations

It is considered that the development would not be harmful to the setting of the listed buildings in the vicinity. Mile End Road is a crowded urban street, one of the principal thoroughfares into central London. It has developed organically, from largely open countryside in the 17th century, becoming built up from the late 18th century onwards, particularly after the completion of the Regent's Canal. The listed buildings in the grounds of Queen Mary University date from the late 19th and early 20th centuries. The layout of these buildings, the way they address the street, their size, and the form of the Mile End Road as a series of unfolding vistas along its east-west length, means that the proposed development at Nos. 438-490 would not be harmful to their setting. The development site is additionally some distance to their east, which reinforces this opinion, as it allows for an increase in scale without diminishing the listed

buildings and ensuring that their settings are preserved. The setting of the 18th Century historic wall of the cemetery of the Spanish and Portuguese Jewish Congregation, which wraps around a QMUL development site at Nos. 331-333 Mile End Road, would also be preserved.

- 9.63. The Grade 2 listed Guardian Angels Roman Catholic Church and Presbytery, No. 377 Mile End Road, lies east of the Regent's Canal and is 117 metres from the application site. The setting of these buildings would be unaffected.
- 9.64. The setting of the locally listed buildings at No. 357 Mile End Road (34 metres north east of the site) and the terrace Nos. 359 to 373 Mile End Road (also east of the canal) is not covered by any specific policy and the effect of the proposals on these buildings is assessed below where impact on the two conservation areas is considered.

Conservation area considerations

- 9.65. The Regent's Canal Conservation Area runs through both a riparian environment formed at this point by Mile End Park but is also part of a wider built up urban environment. The purpose of designating the conservation area (Cabinet 8th October 2008) was to protect the special character of the banks of the Regent's Canal and specific historic canal features such as the locks and the towpath, that are recognised as part of the cherished local scene. The proposed development would have very limited impact on the character and appearance of the designated area, as the higher bulk would be set some distance from the canal at the western end of the development.
- 9.66. The development would be stepped away from the two storey houses on Grand Walk, which provides the immediate setting of the canal at this location. It is not considered that a building visible from the canal at this point would be harmful to either the character or appearance of the conservation area, both of which would be preserved. Indeed, there may be benefits to orientation, way-finding and local distinctiveness by the formation of a suitably designed building forming a 'punctuation point' close to where Mile End Road crosses the canal.
- 9.67. The character of the Clinton Road Conservation Area is defined by two distinct townscapes. First, Clinton Road is lined by residential terraces of two storeys. Built around the 1870s, the terraces are survivors of the type of dwellinghouses that were cleared to create Mile End Park. Second, in contrast, the Mile End Road frontage is varied, consisting of early 19th century Georgian style terraces between Nos. 359 and 373 Mile End Road. This locally listed terrace, constructed of stock brick, was originally dwellinghouses. The ground level shop fronts were later integrated, with residential floors remaining above. Within the locally listed terrace is an Italianate building of the mid-late 19th century at No. 373 Mile End Road built of yellow stock brick with stucco dressings and a slate roof. In terms of views and silhouettes, the Guardian Angels Church has the most significant presence in the conservation area. Mostly lying some distance east of the development site, on the opposite side of Mile End Road, and separated from the site by the Regent's Canal, it is considered that both the character and appearance of the conservation area would be preserved.
- 9.68. It is not considered that the development would cause any visual or environmental harm to Mile End Park. A taller edge set back from the park could be seen as an advantage in terms of place making and orientation as

explained above.

- 9.69. Overall, it is considered that the revised development would accord with the national, metropolitan, and local planning policies outlined above and result in a building that would respect its context, reinstating a badly fragmented townscape.

High Street 2012

- 9.70. Mile End Road is part of the proposed 'High Street 2012' Olympic Boulevard leading to the Olympic Park. The Vision for High Street 2012 is to:

"Create a world class and thriving 'High Street', where there is a balance between pedestrian and road uses, where people and places are connected, where locals, visitors, and tourists want to be, and where there is sense of well being, community, and history."

- 9.71. It is considered that the proposed redevelopment would accord with the Vision and objectives for High Street 2012 as follows:

- *To create a high street with shared use, differently paced environments, distinct identity streets, and destinations that is dignified, clean, and attractive.*

(Officer comment: The new building would contribute positively to the objective to create a well used high street. In particular, it would help to form a memorable, distinct, busy destination of character and fit with the intention to provide active landscapes).

- *To create a connected street which supports natural flows, provides a legible streetscape and is safer.*

(Officer comment: The new building would play a significant role in re-establishing a street frontage that had been badly eroded by war damage and the former car dealership and its associated open parking lots. The building would act as a better way-finding asset in connection with the Regent's Canal and Mile End Park and would provide surveillance of the road. It would also create a healthier, greener street).

- *To celebrate the street through enhancing historic spaces.*

(Officer comment: The new building would provide a better setting for the People's Palace and Queen's building at the Queen Mary University of London campus than the badly fragmented car dealership with open parking lots).

Amenity of adjoining premises

Daylight

- 9.72. Tower Hamlets' Unitary Development Plan 1998 policy DEV 2 states:

"...all development should seek to ensure that adjoining buildings are not adversely affected by a material deterioration of their daylighting and sunlighting conditions..."

- 9.73. Interim planning guidance policy DEV1 requires development not to result in a material deterioration of the sunlighting and daylighting conditions of surrounding habitable rooms.
- 9.74. UDP policy DEV1 refers to the BRE Report: '*Site layout planning for daylight and sunlight – A guide to good practice.*' The guidelines contain tests for daylight, sunlight and overshadowing, starting with trigonometric tests followed by tests which measure the actual amount of daylight striking the face of a window (Vertical Sky Component) and internal Daylight Distribution by plotting the position of a "no sky line" contour within the room being tested.
- 9.75. The Vertical Sky Component is a "spot" measurement of direct daylight availability from an unobstructed sky. The target design standard for low density suburban housing is 27% VSC. It is recognised that in a dense urban environment such as Mile End, existing VSC values may be below 27%. In such circumstances, it is permissible to reduce the existing value of daylight (or sunlight) by a factor of 0.2 (20%) and still satisfy the Guidelines. Reductions beyond that level are deemed to be noticeable.
- 8.76. The VSC tests should be followed by the calculation of internal Daylight Distribution within each of the rooms by plotting the "no sky line" contour. As a check measurement, Average Daylight Factor can also be used.
- 9.77. The neighbouring buildings that fall within the BRE requirements for testing are:
- Nos. 13 to 22 Grand Walk and,
 - Nos. 12 to 20 Canal Close.
- 9.78. Analysis shows that all except one of the windows in the neighbouring dwellings fully satisfy the BRE VSC tests by either achieving more than 27% VSC or experience a loss of less than 20%. The window that does not fully satisfy the BRE standards is at 12 Canal Close. The amount by which this window exceeds the permissible 20% margin is very small with a reduction of only 22.56% with an actual VSC of 23.96% which is a marginal failure. Given the urban location, the daylight incident on the face of this window would continue to be very good and considerably better than the majority of comparable properties in the borough.
- 9.79. The results of the Daylight Distribution analysis show that with one exception, all the habitable rooms of the houses in Grand Walk and Canal Close would comfortably satisfy the BRE Guidelines. The exception is a 1st floor room at 12 Canal Close where there would be a loss of internal distribution of 23.9%, again a marginal failure.
- 9.80. The results of the "check" Average Daylight Factor (ADF) measurements show that the internal lighting conditions for all habitable rooms in Grand Walk and Canal Close would satisfy the ADF standards taken from the BRE Guidelines and the British Standard Code of Practice for Daylighting BS8206.

Sunlight

- 9.81. The BRE sunlight criteria only apply to windows that face within 90° of due south. The windows in Nos. 12 to 20 Canal Close which have a direct outlook over the site face north-north-west. As they do not face within 90 degrees of

due south, they do not fall within the BRE sunlight criteria. The rear facing rooms in Nos. 13-22 Grand Walk face south-west and fall within the BRE testing criteria. Of those rooms, four glazed doors in Nos. 13, 20, 21, and 22 Grand Walk would exceed the permitted levels of reduction but all four doors serve rooms that also have a primary window which each satisfy the BRE sunlight standards.

Overshadowing

9.82.

The rear gardens of Nos. 16 to 22 Grand Walk fall within the BRE overshadowing criteria which measure the permanent overshadowing of gardens. In view of the western orientation of the gardens, it is evident that the gardens will have unobstructed sunlight from the south in the mid and late afternoon and there would be no additional permanent overshadowing. The rear gardens of Nos. 12 to 20 Canal Close face due south and would be unaffected by the development.

Privacy

9.83.

The eastern end of the northern wing of the proposed building would be sited 18 metres from the closest house on Grand Walk. Due to the orientation of the building, only oblique views would be possible towards Grand Walk. The southern wing of the proposed building would have windows 23.3 metres from the rear of the houses on Grand Walk. To ensure adequate privacy, the minimum separation distance between habitable rooms provided by the Tower Hamlets UDP 1998 is 18 metres. It is considered that the 18.00 metre and 23.5 metre separation proposed would ensure that the dwellings on Grand Walk would have their privacy adequately maintained. The eastern flank wall of the southern wing of the development would only be provided with a single window serving a corridor at 1st and 2nd floor levels, 25 metres from the rear of the houses on Grand Walk.

9.84.

At its closest, the southern wing of the development would be 18.5 metres from the houses on Canal Close, which again complies with the UDP recommendation. Moreover, to increase the privacy of the houses on Canal Close, and also to obviate possible overlooking arising from potential future development on the Council's depot site, angled windows would be provided on the south façade.

9.85.

In response to concerns from adjoining residents regarding overlooking and disturbance from roof terraces, a landscaped terrace previously proposed on the roof of the 4th floor of the northern wing has been deleted from the current proposal. The sole roof terrace now proposed would be on the 4th floor roof of the southern wing adjacent to the Toby Lane depot. At its closest, the terrace would be 23 metres from the nearest house on Canal Close. To maintain the privacy of the dwellings on Canal Close and Grand Walk, together with the development potential of the Toby Lane depot, the terrace would be fitted with 1.8 metre high obscured glass balustrades. A condition is recommended to secure this arrangement and also to ensure that the terrace (and communal gardens) shall not be used for amenity purposes outside the hours of 8.00 am to 10.00 pm on any day.

Noise and disturbance

9.87.

These concerns may be broken down into two main issues.

1. The noise associated with the teaching facility and student accommodation use.
2. The control and management of the proposed teaching facility and student accommodation.

9.88. The main source of noise is likely to arise from students arriving at and departing from the building. The assessment of noise attributed to the movement of students to and from teaching accommodation and student housing is not dealt with by any single planning standard or guideline. Should statutory nuisance occur, the Council has powers under the Noise Act 1996 and the Environmental Protection Act 1990. Given the building is not located in a primarily residential area and lies on a main road opposite QMUL, it is not considered that problems would ensue. Environmental Protection has not raised any concerns in this regard.

9.89. The application does not include any Building Management Statement setting out how potential issues of noise or anti social behaviour by students could be addressed. It is recommended that any planning permission is conditioned to require the approval and implementation of such a document which should comprise:

- Details of a full time management team and the provision of 24 hour security.
- Details of a Management Code of Conduct that stipulates the behaviour of occupiers and residents of the building.
- A requirement for each student residing in the building to sign a tenancy agreement to abide by the Management Code of Conduct.
- Circumstances where a tenancy would be terminated and the steps to achieve this.

9.90. There are several examples of successfully managed student accommodation buildings in the borough which have not presented any concerns relating to noise disturbance to neighbouring properties. Environmental Protection have received no complaints over the past 2 years, from nearby properties to the following student accommodation development:

- Westfield Student Village; Queen Mary University of London; Westfield Way; Mile End; London E1 (accommodates 1176 students)
- Albert Stern House, 253 Mile End Road, E1 4BJ (accommodates 45 students)
- Ifor Evans Place, Mile End Road, E21 4BL (accommodates 36 students)
- 50 Crispin Street, E1 6HQ (accommodates 365 students).

Access and servicing arrangements

9.91. Transport for London and raise no objections to the proposed arrangements, subject to the implementation of travel plans. The Council's Traffic and Transportation Department has raised concerns about the size of the service bay and the quality of cycling provision in relation to the spacing of the cycle stands. Those concerns are born out of the desire to discourage servicing off the highway where possible and this will be secured through a revised Service Management Plan, whilst the cycle stands are designed in accordance with the manufacturer's instructions and this has been accepted subject to a condition that secures the retention and maintenance of the cycle stands. Overall, access

and servicing arrangements are considered satisfactory and policy compliant. As part of recommended section 106 arrangements, the developer has agreed to submit and implement a travel plan. A Service Delivery Plan is to be submitted and approved and a Construction Logistics Plan have been approved under the legal agreement which accompanies planning permission PA/09/1916 and a recommended Head requires the submission and implementation of these plans.

Amenity space and landscaping

- 9.92. The proposals include a comprehensive landscaping scheme around the perimeter of the building, along Mile End Road and along the eastern perimeter of the site. The latter would create a green buffer between the student housing and the neighbouring houses on Grand Walk. As mentioned, there would be a landscaped roof terrace atop the 4th floor roof of the eastern part of the development. Green roofs would be provided wherever possible.
- 9.93. A feature of the proposal is 'Sky Gardens' which would provide a series of semi-external spaces for students to use as communal break-out areas. These spaces would be arranged as a stack within the western building and are expressed on the elevation as a double-height design feature. In total, the proposal provides 1,220 sq m of amenity space as follows:
- A Roof terrace = 92 sq m
 - Enclosed 'Sky gardens' = 140 sq m
 - Communal gardens = 988 sq m

- 9.94. It is considered that the landscaping proposals would comply with UDP policy DEV12 – 'Landscaping and trees'. The details are not complete and it is recommended that any planning permission is conditioned to require the approval and implementation of a detailed landscaping scheme to include details of the proposed green roofs.

Sustainable development / renewable energy

- 9.95. The design adopts a number of 'passive' design measures, including: a well insulated façade; airtight construction; heat recovery ventilation; thermal mass techniques to reduce heating and cooling requirements; centralised heating and cooling; energy efficient lighting; and low (hot) water shower heads and taps. The energy supply would consist of communal combined heat and power (CHP) to provide the electrical and heating base load for the development. Communal heating and hot water would be provided for the whole development with a Ground Source Heat Pump system to provide heating and cooling in conjunction with the CHP unit.
- 9.96. The development would provide an overall reduction in CO2 emissions of 37% when compared with a comparable baseline building. The Greater London Authority and the Council's Energy Officer are content that the proposed energy strategy complies with policies 4A.1 to 4A.9 of The London Plan, policies DEV5 to DEV9 of the Council's interim planning guidance, policy SP11 of the Council's Core Strategy 2010 and national advice in PPS22: 'Renewable Energy'. Conditions are recommended to ensure the submitted details are implemented.

Air Quality

- 9.97. London Plan policy 4A.19 and policy DEV11 of the Council's interim planning guidance require the potential impact of a development on air quality to be considered. Interim planning guidance policy DEV12 requires that air and dust management is considered during demolition and construction work.
- 9.98. The whole of the borough has been declared an Air Quality Management Area for both nitrogen dioxide and PM₁₀. PM₁₀ is a standard for measuring the amount of solid or liquid matter suspended in the atmosphere, i.e. the amount of particulate matter over 10 micrometers in diameter. Particle pollutants include dust, ash, soot, lint, smoke, pollen, spores, algal cells and other suspended materials.
- 9.99. The application is accompanied by an Air Quality Assessment which concludes that the impact of the development itself on local air quality is unlikely to be significant. The development itself will not give rise to any measurable deterioration in air quality and being virtually 'car-free' would ensure that the scheme would not have any adverse impacts.
- 9.100. The potential effects of dust generated during the construction phase of the development have been assessed qualitatively. This shows that although dust is expected to occur from site activities, there would be no more than a short-term moderate impact. This impact can be reduced by the use of mitigation measures which are set out in the assessment and a condition is recommended to ensure that these are implemented.
- 9.101. The assessment forecasts that levels of nitrogen dioxide at the front façade of the building adjacent to Mile End Road are likely to exceed the Council's Air Quality Objective Value. A condition is therefore recommended to require all windows serving habitable rooms fronting Mile End Road shall be non opening. The condition also stipulates that mechanical ventilation must be provided to those rooms, maintained for the lifetime of the development with clean air for mechanical ventilation drawn from the rear of the property, away from Mile End Road.

Planning obligations

- 9.102. Planning obligations should only be sought where they meet the 5 key tests outlined by the Secretary of State in Circular 05/2005. Obligations must be:
- (i) relevant to planning;
 - (ii) necessary to make the proposed development acceptable in planning terms;
 - (iii) directly related to the proposed development;
 - (iv) fairly and reasonably related in scale and kind to the proposed development; and
 - (v) reasonable in all other respects.
- 9.103. Regulation 122 of the Community Infrastructure Levy Regulations 2010 brings into law policy tests for planning obligations which can only constitute a reason for granting planning permission where they meet the following tests:
- (a) The obligation is necessary to make the development acceptable in planning terms;
 - (b) The obligation is directly related to the development; and

(c) The obligation is fairly and reasonably related in scale and kind to the development.

9.104. Policy 6A.5 of The London Plan advises:

- It will be a material consideration whether a development makes adequate provision for, or contribution towards requirements that are made necessary by, and related to, the proposed development.
- Negotiations should seek a contribution towards the full cost of such provision that is fairly and reasonably related to the proposed development and its impact on the wider area.

8.105. Policy DEV 4 of the Tower Hamlets UDP 1998 and policy IMP1 of the Council's interim planning guidance 2007 state that the Council will seek planning obligations or financial contributions to mitigate the impacts of a development. Paragraph 3.53 of The London Plan advises that where a housing development is solely for student housing, it would not be appropriate for the borough to seek social rent or intermediate housing provision through a planning obligation.

8.106. Chapter 8 of the Council's Core Strategy 2010 deals with Delivery and Monitoring. Policy SP13 says:

"The Council will negotiate planning obligations in relation to proposed development. These may be delivered in kind or through financial contributions"

9.107. The applicant has offered that the following matters are included in a section 106 agreement with the Council.

1. The student residential accommodation shall only be occupied for the predominant part of the year by students attending the INTO education facility, Queen Mary University of London, or from the previously agreed list of other further educational establishments or as has been approved in writing by the local planning authority.
2. In perpetuity; no part of the student residential accommodation shall be used as a Use Class C3 dwellinghouse.
3. On commencement of development a financial contribution of £120,000 towards environmental improvements within the Mile End Intersection Area Study of the High Street 2012 project.
4. On commencement of development a £20,000 contribution to Transport for London to enhance the pedestrian crossing on Mile End Road.
5. On commencement of development a contribution of £100,000 towards local community education initiatives and cultural facilities.
6. On commencement of development a contribution of £20,000 towards local employment and training initiatives.
7. On commencement of development a £500,000 contribution for improvements to the Bancroft Library or for other improvements to library or cultural facilities within the vicinity of the development.
8. Within 3 months of the grant of planning permission a contribution to the capital cost of health provision of £278,835.
9. Prior to first occupation of the development a contribution of £1,490,000 towards the provision of new youth facilities (which may include sports and leisure facilities).
10. Arrangements that provide for the teaching facility within the development to be made accessible to the local community for up to 20

hours a month.

11. The establishment of a bursary scheme for five years to facilitate students from the Ocean Estate studying at QMUL (£3,000 per student / £33,000 per annum to a total of £165,000).
12. Car free arrangements that prohibit residents and users of the development, other than disabled people, from purchasing on-street parking permits from the borough council.
13. The submission and implementation of a Travel Plan.
14. The submission of an updated Service Management Plan and implementation of the Construction Logistics & Management Plan approved by letter dated 9th November 2010.
15. To participate in the Council's Access to Employment initiative.
16. To participate in the Considerate Contractor Protocol.

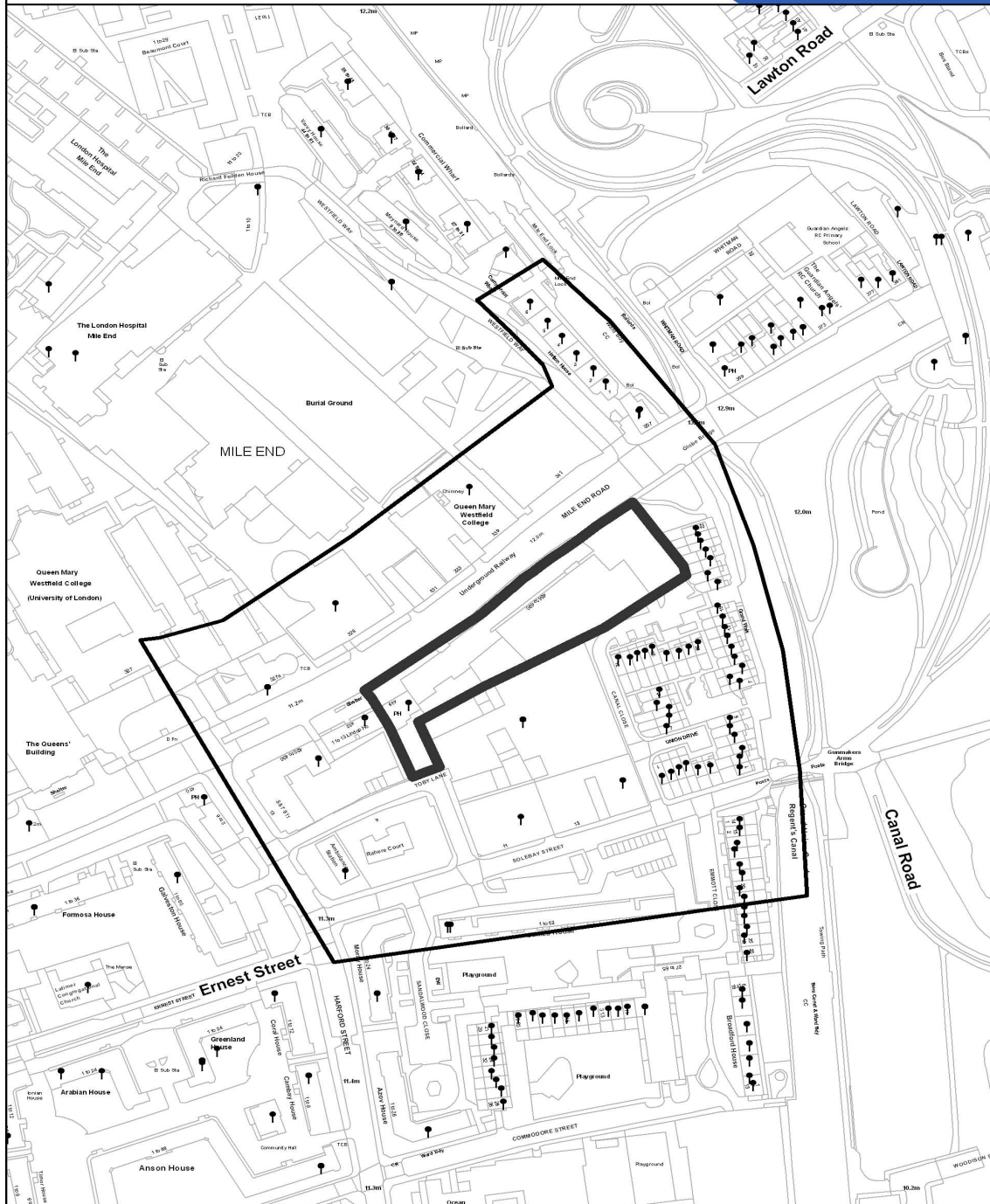
Total contribution £2,528,835 excluding the bursary scheme.

- 9.108. These are essentially the same Heads as the Committee instructed in the case of application PA/10/1916 but with a pro-rata £224,000 uplift based on the increased number of bed spaces plus an additional £54,835 to provide a health contribution of £278,835 based on £435 per bed space. This is the figure that the Committee adopted on 20th October 2010, in the case of 60 Commercial Road. The Bursary Scheme would involve an additional place.
- 9.109. In accordance with Policy 6A.5 of The London Plan, UDP policy DEV 4, policy IMP1 of the interim planning guidance and Policy SP13 of the Core Strategy, it is considered that the inclusion of the above matters in a section 106 agreement, together with the recommended conditions, would mitigate the impacts of the development and comply with national advice in Circular 05/2005 and the Community Infrastructure Levy Regulations 2010.

10. CONCLUSION

- 10.1. All relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decisions are set out in the RECOMMENDATIONS at the beginning of this report.

Planning Application Site Map



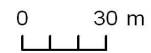
Planning Application Site Boundary



Land Parcel Address



Consultation Area



1:2,500

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. The Site Map was reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationary Office (c) Crown Copyright. London Borough of Tower Hamlets LA100019288

APPENDIX 1

438-490 MILE END ROAD

Elevations to Mile End

Permitted scheme PA/10/1916 (top) and current application PA/10/2091 (lower)



APPENDIX 2

Committee: Strategic Development	Date: 2 nd February 2010	Classification: Unrestricted	Agenda Item No: 6.1
Report of: Corporate Director of Development and Renewal		Title: Application for planning permission	
Case Officer: Richard Humphreys		Ref: PA/09/1916	
		Ward: Mile End and Globe Town	

1. APPLICATION DETAILS

- Location:** 438-490 Mile End Road, E1.
- Existing use:** Vacant motor vehicle showroom with ancillary, workshop and offices together with an adjoining bar / nightclub.
- Proposal:** Demolition of existing structures and erection of a new building ranging from 3 to 9 storeys in height to provide a new education facility comprising teaching accommodation and associated facilities, student housing, cycle and car-parking, refuse and recycling facilities.

Drawing Nos: 173_A_P_001_01, 173_A_P_001_02, 173_A_P_001_03, 173_A_P_001_04, 173_A_P_003_01, 173_A_P_100_01, 173_A_P_100_02, 173_A_P_100_03, 173_A_P_100_04, 173_A_P_100_05, 173_A_P_100_06, 173_A_P_100_07, 173_A_P_100_08, 173_A_P_100_09, 173_A_P_100_10, 173_A_P_100_11, 173_A_P_100_12, 173_A_P_100_13, 173_A_P_100_14, 173_A_P_100_15, 173_A_P_100_16, 173_A_S_200_01, 173_A_S_200_02, 173_A_S_200_03, 173_A_S_200_04, 173_A_S_200_05, 173_A_S_200_06, 173_A_S_200_07, 173_A_S_200_08, 173_A_S_200_09, 173_A_S_200_10, 173_A_E_300_01, 173_A_E_300_02, 173_A_E_300_03, 173_A_E_300_04, 173_A_E_300_05, 173_A_E_300_06, 173_A_D_400_01, 173_A_D_400_02 and 173_A_D_400_03.

Planning Statement
Design and Access Statement
PPG24 Noise Assessment
Transport Assessment
Townscape Assessment
Air Quality Assessment

LOCAL GOVERNMENT ACT 2000 (Section 97) LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THIS REPORT

Brief Description of background paper:	Tick if copy supplied for register	Name and telephone no. of holder
Application case file, plans, adopted UDP, London Plan, emerging LDF and Isle of Dogs AAP		Development Control 020 7364 5338

Applicant: INTO University Partnerships and Mile End Limited Partnership.

Owners: Curzon Street Acquisition
Richard Ward

Historic buildings None on site. To the west, Drinking Fountain and Clock Tower, the Queen's Building and adjoining administrative building of Queen Mary University are listed Grade 2. Opposite, at Nos. 331-333 Mile End Road, the boundary wall of the cemetery of the Spanish and Portuguese Jewish Congregation Queen Mary, University of London is Grade 2 listed. To the east, No. 357 Mile End Road and Nos. 359 to 373 Mile End Road are locally listed, the Guardian Angels Roman Catholic Church and Presbytery, No. 377 Mile End Road are listed Grade 2.

Conservation areas No. The Regent's Canal Conservation Area adjoins to the east and the Clinton Road Conservation Area lies to the north east.

2. RECOMMENDATION

2.1. Subject to any direction by the Mayor of London, the Committee resolves to **GRANT** planning permission subject to execution of a section 106 agreement with the Council under the following heads, together with the conditions set out at paragraph 3.4 of Appendix 1 (the report considered by the Strategic Development Committee on 15th December 2009).

1. The student residential accommodation shall only be occupied for the predominant part of the year by students attending the INTO education facility, Queen Mary University of London, or from a list of other further educational establishments that has been approved by the local planning authority.
2. In perpetuity; no part of the student residential accommodation shall be used as a Use Class C3 dwellinghouse.
3. Prior to commencement of development a financial contribution of £620,000 towards environmental improvements within the Mile End Intersection Area Study of the High Street 2012 project as follows:

Works to the footway between Harford Street and Grand Walk.	£245,000
Re- landscaping the public open space to the east of the development.	£200,000
Enhanced access to Mile End Park and the Regent's Canal and enhanced connection between Mile End Park and the Regent's Canal.	£155,000

Accent lighting to “heritage” buildings at the end of Grove Road.

£20,000

4. Prior to commencement of development a £20,000 contribution to Transport for London to enhance the pedestrian crossing on Mile End Road.
5. Prior to commencement of development a contribution of £100,000 towards local community education initiatives and cultural facilities.
6. Prior to commencement of development a contribution of £20,000 towards local employment and training initiatives (Fastlane).
7. Prior to first occupation of the development a contribution of £1,490,000 towards the provision of new youth facilities.
8. Arrangements that provide for the teaching facility within the development to be made accessible to the local community for up to 20 hours a month.
9. The establishment of a bursary scheme for five years to facilitate students from the Ocean Estate studying at QMUL (£3,000 per student / £30,000 per annum up to a total of £150,000).
10. Car free arrangements that prohibit residents and users of the development, other than disabled people, from purchasing on-street parking permits from the borough council.
11. The submission and implementation of a Travel Plan comprising a Workplace and Residential Travel Plan, a Service Management Plan and a Construction Logistics & Management Plan.
12. To participate in the Council’s Access to Employment and / or Skillsmatch programmes.
13. To participate in the Considerate Contractor Protocol.

3. BACKGROUND

- 3.1. On 15th December 2009, the Strategic Development Committee considered a report and an update report on an application for planning permission for the redevelopment of 438-490 Mile End Road itemised above. The Report and Update Report are attached at Appendix 1 and Appendix 2 to this item.
- 3.2. After consideration of the Report and the Update Report, the Committee resolved that it was minded not to support the recommendation and to REFUSE planning permission on the following grounds:
 1. The physical impact of the scheme on the surrounding area in terms of the height, bulk and massing of the proposed building.
 2. Inadequate affordable housing contribution which contravenes the Mayors draft plan policy.
 3. The requirement for the development to encourage a mixed community.
- 3.3. In accordance with Rule 10.2 of the Constitution, and Rule 4.8 of the Development Procedure Rules, the application was DEFERRED to a future meeting of the Committee to enable officers to present a supplemental report setting out reasons for refusal and the implications of the decision.

4. REASONS FOR REFUSAL

Resolution 1 - Height, bulk and massing

- 4.1. The developer has sought to respond to the Committee's the decision of 23rd September 2009, to refuse planning permission for the redevelopment of the site by an alternative proposal (PA/09/601) involving a 3, 5, 7 and 11 storey building (Paragraphs 4.25 to 4.32 of Appendix 1). The Committee's concerns were twofold:
1. The development due to its height would amount to overdevelopment.
 2. Inadequate modulation of the facades of the proposed building.
- 4.2. Subsequently, the applicant held discussions with Council and Greater London Authority officers regarding design amendments to address the reasons for refusal. To that end, Scheme 2 has significantly reduced the height of the development, the number of student bed spaces, and enhanced the façade by breaking the building into seven elements.
- 4.3. The Greater London Authority advises that the design of Scheme 2 is in accordance with the design policies of both the statutory London Plan 2008 and the draft replacement London Plan. English Heritage also raises no objection, recommending that the application should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice. In that regard, the Council's Development Design and Conservation Team shares the opinion of the Greater London Authority, advising that the proposal complies with national guidance and the policy guidance set out in The London Plan and the Council's Development Plan documents as follows:
- (a) Policies 4B.1 and 4B.10 of The London Plan 2008 that require large-scale buildings to respect their local and wider context in terms of proportion and composition and their relationship to other buildings, streets, public and private open spaces, the waterways and other townscape elements.
 - (b) Policies DEV1 and DEV3 of the Tower Hamlets Unitary Development Plan 1998, which requires development to take into account and be sensitive to the character of the surrounding area, in terms of design, bulk and scale.
 - (c) Policy DEV2 of the Council's interim planning guidance 2007 which requires development to take into account and respect the local character and setting of the development site in terms of scale, height mass, bulk and form of development.
 - (d) Paragraph 43 of PPS1 where the Government advises that good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.
- 4.4. For the reasons explained at paragraphs 8.39 to 8.49 of Appendix 1, it is considered that a refusal of planning permission for Scheme 2 on the ground of conflict with such policies could not be sustained on appeal. In particular, it is considered that the reduced height and the modulated façades would sit appropriately within the surrounding context, would not have any negative

impact in long distance views and would achieve a successful transition in scale along the site's exceptionally long frontage to Mile End Road. The surrounding area contains existing medium and large-scale civic buildings forming part of the Queen Mary College campus and the Ocean Estate. In terms of overall scale and form, it is considered that the proposed building would be acceptable within that context, creating a defining feature at the southern end of the QMU campus.

- 4.5. Should the Committee remain minded to refuse planning permission, on grounds of height, bulk and massing, conflict with the policies set out at paragraph 4.3 (a) to (d) above would need to be sustained.

Resolution 2 - Absence of affordable housing

- 4.6. As mentioned at paragraph 6.7 of the report considered by the Committee on 15th December 2009 (Appendix 1), there are no planning policies in The London Plan 2008, the Tower Hamlets Unitary Development Plan 1998, or the Council's interim planning guidance 2007 to secure affordable housing for students.

- 4.7. The requirement to provide affordable housing applies to private market residential schemes (Planning Policy Statement 3 Annex B, The London Plan policy 3A.10, Tower Hamlets UDP policy HSG3, and the Council's interim planning guidance policy HSG3), not development involving student housing. If a mixed-use development involving both student housing (a sui generis use) and conventional dwellings (Use Class C3) was proposed, there would be a requirement to provide affordable housing within the Class C3 element. The proposed development however does not propose any Class C3 dwellings and consequently there is no requirement in either national policy or the Development Plan for the scheme to provide affordable dwellinghouses.

- 4.8. The Greater London Authority in its Stage 1 report raised the issue of its emerging policies on affordable housing in the draft replacement London Plan and, at the meeting of 15th December 2009, Members asked for clarification of their applicability to the application to redevelop 438-490 Mile End Road.

- 4.9. The relevant policy in the draft replacement London Plan is policy 3.8 "Housing Choice." Sub policy 3.8 (g) requires the London boroughs in preparing their Local Development Frameworks to address strategic and local requirements for student housing that meet an identifiable need "*without comprising capacity for conventional homes.*" The draft Plan adds (paragraph 3.45) that this applies especially to the provision of affordable family homes and says:

"Unless student accommodation is secured through a planning agreement for occupation by members of specified educational institutions for the predominant part of the year, it will normally be subject to the requirements of affordable housing policy."

- 4.10. As explained at paragraphs 6.6 and 6.8 of the report considered on 15th December 2009, the fundamental aim of policy 3.8 of the draft replacement London Plan is to ensure that, not only is there is a sufficient supply of student accommodation, but that it is delivered in such a way as to not prejudice the availability of land for conventional housing (and in particular affordable family

homes). The application site has not been identified on the Proposals Maps of the Tower Hamlets UDP 1998, or the Council's interim planning guidance 2007, as a site for new residential development. It is not considered ideal for permanent conventional housing, particularly affordable and family units, due to its position on Mile End Road. Importantly, it also now lies within the QMUL "Knowledge Hub" shown in the Council's emerging Local Development Framework (approved by Cabinet in September 2009 and submitted to the Secretary of State in December 2009) and the proposal would therefore have no impact upon housing land availability.

- 4.11. With regard to compliance with the emerging London Plan in terms of occupation, the offered legal agreement includes a clause whereby the student residential accommodation would only be occupied for the predominant part of the year by students attending the associated INTO education facility, Queen Mary University of London, or from an approved list of other further educational establishments. Subject to ratification by the Mayor, it is considered that such an arrangement would satisfy the emerging London Plan.
- 4.12. It is noted that the Committee's decision on 23rd September 2009, to refuse planning permission for the redevelopment of the site by an alternative proposal to provide a new education facility and student housing (PA/09/601), did not include a reason due to an absence of affordable housing.
- 4.13. In summary, there is no policy support in the current Development Plan, or the Council's interim planning guidance, for requiring the development to include Class C3 dwellings or affordable housing. Subject to the Mayor ratifying a legal agreement regarding the occupation of the student residential accommodation, there would be compliance with emerging policy 3.8 of the draft replacement London Plan.

Resolution 3 - The development would not encourage a mixed community

- 4.14. This resolution is closely linked to Resolution 2, the Committee's concern appearing to be a land use objection due to the proposed concentration of educational uses in the vicinity of Queen Mary University, and absence of conventional dwellings (or other land use) in the proposed educational facility.
- 4.15. The land uses proposed (teaching accommodation and student housing) are supported by policy 3A.5 of The London Plan 2008, which requires London boroughs to identify the full range of housing needs in their area including student housing. Paragraph 3.39 of The London Plan 2008 goes on to acknowledge the importance of purpose-built student housing and the role it plays in adding to the overall supply of housing, whilst reducing pressure on the existing supply of market and affordable housing. Policy 3A.13 then requires the borough's policies to provide for special needs housing, including student housing.
- 4.16. The site has not been identified as a site for new housing development by the Proposals Map of the Tower Hamlet's Unitary Development Plan 1998 and UDP policy HSG14 encourages development which meets the needs of residents with special needs, including students. The UDP says (paragraph 5.29) that student

housing will be considered in a variety of locations, providing there is no loss of permanent housing (which is the case here) and again notes that additional student housing could release Class C3 dwellings elsewhere in the borough. There is no requirement in the Plan for developments involving student housing to include other land uses including Class C3 dwellings.

- 4.17. The Council's interim planning guidance 2007 is more site specific with Core Policy CP24 stating that the Council will promote special needs and specialist housing by, inter alia, focusing purpose built student housing on the Queen Mary University Campus. Although the application site is not within the existing QMU campus, the Mile End Vision Key Diagram of the Local Development Framework shows the expansion of the Queen Mary University Knowledge Hub to the south side of Mile End Road embracing the current application site. The development would accord with that allocation, which does not propose that development consisting of educational facilities should also provide Class C3 dwellinghouses or other land uses.
- 4.18. It is again noted that the Committee's decision on 23rd September 2009, to refuse planning permission for redevelopment (PA/09/601), did not allege that the proposal would not encourage a mixed community, or lead to an over concentration of education uses in the vicinity of Queen Mary University.
- 4.19. In summary, there is policy support, in both the current and emerging Development Plan, for the redevelopment of 438-490 Mile End Road for the education facility. It is not considered that there is any policy support in the Development Plan documents for requiring such development to include alternative land uses.

Revised planning obligation under section 106 of the Planning Act 1990

- 4.20. Following the Committee's decision of 15th December 2009, the developer has set out a proposed new approach to the offer of section 106 obligations to better mitigate the impact of the development. The initial contribution was at the level of £760,000. It is now proposed that there should be an overall section 106 payment of £2,250,000 with £760,000 to be paid upon start of construction in the summer of 2010 and the balance upon beneficial occupation of the building.
- 4.21. The balance of £1,490,000 would be ring fenced to fund new youth facilities to service the local community. The developer seeks to work with the Council to select the entity or delivery partner that would delivery the facilities.
- 4.22. In addition, a revised initiative to support the educational and career development of local youth has also been made comprising ten Queen Mary University bursary places at £3,000 per student for 5 years granted to students from the Ocean Estate. It is proposed that a trust or other partnership arrangement be agreed between the developer and the Council which would receive the payment of £30,000 pa and make disbursements to local aspiring students.
- 4.23. The revised offer is made subject to the timetable the developer says they must follow to be able to deliver the scheme for meeting the academic year, and to

enable practical completion ahead of the run up to the 2012 Games.

Implications of the decision

4.24. If the above recommendation is adopted, in accordance with Article 7 of the Mayor of London Order 2008, the application must be referred to the Greater London Authority for the Mayor to decide whether he wishes to give a direction under section 2A of the 1990 Act that the Mayor is to act as the local planning authority for determining the application. If the Mayor decides not to take over the application, it may be determined the Council. Should the Committee still decide that the development should be refused, the application may still be taken over by the Mayor. In the absence of “take over” by the Mayor, the options available to the applicant against a refusal of planning permission by the Council include:

- A. The right of appeal to the Planning Inspectorate.
- B. The submission of an amended scheme to overcome the reasons for refusal.

4.25. Members are advised that an appeal against the Council’s decision on 23rd September 2009 (application PA/09/601) to refuse planning permission for redevelopment by a building up to 11 storeys was lodged with the Planning Inspectorate on 7th January 2010. If this appeal progresses, it will be decided following a public inquiry. Should the Council refuse permission for Scheme 2 (PA/09/1916), it appears likely that there will be a further appeal against the Committee’s decision which will be joined with appeal PA/09/601.

Financial implications

4.26. There are two financial implications arising from appeals against the Council’s decisions. Firstly, whilst parties to a planning appeal are normally expected to bear their own costs, the Planning Inspectorate may award costs against either party on grounds of “unreasonable behaviour.” Secondly, the Inspector will be entitled to consider whether proposed planning obligations meet the tests set out in the Secretary of State’s Circular 05/2005 (paragraph 8.94 of Appendix 1 below) and are necessary to enable the development to proceed.

5. CONCLUSION

5.1. All relevant policies and considerations have been taken into account. Planning permission should be granted subject to the revised offer of planning obligations set out in the RECOMMENDATION at the beginning of this report and the conditions set out at paragraph 3.4 of Appendix 1.

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ORIGINAL REPORT CONSIDERED BY THE STRATEGIC DEVELOPMENT
COMMITTEE ON 15th DECEMBER 2009

Committee: Strategic Development	Date: 15 th December 2009	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director of Development and Renewal		Title: Application for planning permission	
Case Officer: Richard Humphreys		Ref: PA/09/01916	
		Ward: Mile End and Globe Town	

1. APPLICATION DETAILS

- Location:** 438-490 Mile End Road, E1.
- Existing use:** Vacant motor vehicle showroom with ancillary, workshop and offices together with an adjoining bar / nightclub.
- Proposal:** Demolition of existing structures and erection of a new building ranging from 3 to 9 storeys to provide a new education facility comprising teaching accommodation and associated facilities, student housing, cycle and car-parking, refuse and recycling facilities.
- Drawing Nos:** 173_A_P_001_01, 173_A_P_001_02, 173_A_P_001_03, 173_A_P_001_04, 173_A_P_003_01, 173_A_P_100_01, 173_A_P_100_02, 173_A_P_100_03, 173_A_P_100_04, 173_A_P_100_05, 173_A_P_100_06, 173_A_P_100_07, 173_A_P_100_08, 173_A_P_100_09, 173_A_P_100_10, 173_A_P_100_11, 173_A_P_100_12, 173_A_P_100_13, 173_A_P_100_14, 173_A_P_100_15, 173_A_P_100_16, 173_A_S_200_01, 173_A_S_200_02, 173_A_S_200_03, 173_A_S_200_04, 173_A_S_200_05, 173_A_S_200_06, 173_A_S_200_07, 173_A_S_200_08, 173_A_S_200_09, 173_A_S_200_10, 173_A_E_300_01, 173_A_E_300_02, 173_A_E_300_03, 173_A_E_300_04, 173_A_E_300_05, 173_A_E_300_06, 173_A_D_400_01, 173_A_D_400_02 and 173_A_D_400_03.

LOCAL GOVERNMENT ACT 2000 (Section 97)
LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THIS REPORT

Brief Description of background paper:	Tick if copy supplied for register	Name and telephone no. of holder
Application case file, plans, adopted UDP, London Plan, emerging LDF and Isle of Dogs AAP		Development Control 020 7364 5338

Planning Statement
Design and Access Statement
PPG24 Noise Assessment
Transportation Assessment
Townscape Assessment
Air Quality Assessment
Sustainability & Energy Statement

Daylight Report
Geo-technical Report
Townscape Images

Applicant: INTO University Partnerships and Mile End Limited Partnership.

Owners: Curzon Street Acquisition
Richard Ward

Historic buildings None on site. To the west, Drinking Fountain and Clock Tower, the Queen's Building and adjoining administrative building of Queen Mary University are listed Grade 2. Opposite, at Nos. 331-333 Mile End Road, the boundary wall of the cemetery of the Spanish and Portuguese Jewish Congregation Queen Mary, University of London is Grade 2 listed. To the east, No. 357 Mile End Road and Nos. 359 to 373 Mile End Road are locally listed, the Guardian Angels Roman Catholic Church and Presbytery, No. 377 Mile End Road are listed Grade 2.

Conservation areas No. The Regent's Canal Conservation Area adjoins to the east and the Clinton Road Conservation Area lies to the north east.

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1. The local planning authority has considered the particular circumstances of the application against the policies contained in The London Plan 2008, the Greater London Authority's Sub Regional Development Framework - East London 2006, the council's approved planning policies contained in the Tower Hamlets Unitary Development Plan 1998, the council's interim planning guidance 2007, associated supplementary planning guidance and Government Planning Policy Guidance and has found that:

- The provision of a new education facility comprising teaching accommodation, student housing and associated facilities is supported by policies 3A.1 and 3A.25 of The London Plan 2008, policies ST25, ST45, ST46 and HSG14 of the Tower Hamlets Unitary Development Plan 1998, policy CP7, CP24 and EE2 of the council's interim planning guidance 2007 which encourage the provision of education facilities and special needs housing at accessible locations such as this.
- The demolition of the former 'Fountain' public house complies with policy RT6: 'Loss of Public Houses' of the council's interim planning guidance 2007 as it would not create a shortage of public houses within a distance of 300 metres, there being other public houses at Nos. 410 and 359 Mile

End Road.

- The scheme would not result in the overdevelopment of the site or result in any of the problems typically associated with overdevelopment. As such, the scheme is in line with policy 3A.3 of The London Plan 2008, policies DEV1 and DEV2 of the Tower Hamlets Unitary Development Plan 1998 and policies DEV1 and DEV2 of the council's interim planning guidance 2007 which seek to provide an acceptable standard of development throughout the borough.
- The new building in terms of height, scale, design and appearance is acceptable and in line with national advice in PPG15, policies 4B.1, 4B.8, 4B.10, 4B.11, 4B.12 and 4B.14 of The London Plan 2008, policies DEV1 and DEV2 of the Tower Hamlets Unitary Development Plan 1998 and policies CP49, DEV1, DEV2 and CON2 of the council's interim planning guidance 2007 which seek to ensure development is of a high quality design, preserves or enhances the character and appearance of conservation areas and preserves the setting of listed buildings.
- Transport matters, including vehicular and cycle parking, vehicular and pedestrian access and servicing arrangements are acceptable and in line with policy T16 of the Tower Hamlets Unitary Development Plan 1998, policies DEV16, DEV17, DEV18 and DEV19 of the council's interim planning guidance 2007, and national advice in PPG13 which seek to ensure developments can be supported within the existing transport infrastructure.
- Sustainability and renewable energy matters are appropriately addressed in line with policies 4A.7 – 4A.9 of The London Plan, policies DEV5 – 9 and DEV 11 of the council's interim planning guidance 2007, which seek to ensure development is sustainable due to reduced carbon emissions, design measures, water quality, conservation, sustainable drainage, and sustainable construction materials.
- The development would not adversely affect air quality, in line with The London Plan policy 4A.19 and policy DEV11 of the council's interim planning guidance and the management of the demolition and construction phase would accord with policy DEV12 of the council's interim planning guidance 2007.
- Contributions have been secured towards environmental improvements forming part of the High Street 2012 project, pedestrian facilities on Mile End Road, community education initiatives and cultural facilities, together with the implementation of travel plans, a car free arrangement and arrangements to ensure that the teaching facility is available to the public. This is in line with Circular 05/2005, policies 3B.3 and 5G3 of The London Plan 2008, policy DEV4 of the Tower Hamlets Unitary Development Plan 1998 and policy IMP1 of the council's interim planning guidance 2007, which seek to secure contributions toward infrastructure and services required to facilitate development.

3. RECOMMENDATIONS

- 3.1. 1. That the Committee resolves to **GRANT** planning permission subject to:

- A. Any direction by The Mayor of London.
- B. The prior completion of a legal agreement, to the satisfaction of the Chief Legal Officer, to secure the following:

1. The student residential accommodation shall only be occupied for the predominant part of the year by students attending the INTO education facility, Queen Mary University of London, or from a list of other further educational establishments that has been approved by the local planning authority.
2. In perpetuity; no part of the student residential accommodation shall be used as a Use Class C3 dwellinghouse.
3. A financial contribution of £620,000 towards environmental improvements within the Mile End Intersection Area Study of the High Street 2012 project as follows:

Works to the footway between Harford Street and Grand Walk.	£245,000
Re- landscaping the public open space to the east of the development.	£200,000
Enhanced access to Mile End Park and the Regent's Canal and enhanced connection between Mile End Park and the Regent's Canal.	£155,000
Accent lighting to "heritage" buildings at the end of Grove Road.	£ 20,000

4. A £20,000 contribution to Transport for London to enhance the pedestrian crossing on Mile End Road.
5. A contribution of £100,000 towards local community education initiatives and cultural facilities.
6. A contribution of £20,000 towards local employment and training initiatives (Fastlane).
7. Arrangements that provide for the teaching facility within the development to be made accessible to the local community for up to 20 hours a month.
8. Car free arrangements that prohibit residents and users of the development, other than disabled people, from purchasing on-street parking permits from the borough council.
9. The submission and implementation of a Travel Plan comprising a Workplace and Residential Travel Plan, a Service Management Plan and a Construction Logistics & Management Plan.
10. To participate in the Council's Access to Employment and / or Skillsmatch programmes.
11. To participate in the Considerate Contractor Protocol.

3.2 That the Corporate Director Development & Renewal is delegated authority to negotiate the legal agreement indicated above.

3.3. That the Head of Development Decisions is delegated power to issue the planning permission and impose conditions (and informatives) to secure the following:

3.4. **Conditions**

1. 3 year time limit.
2. The following details to be submitted and approved:
 - Mock up of typical elevation bays to include window frames and brickwork.
 - A sample board for all external materials to include the cladding and detailing to the carport/refuse store and bicycle store.
 - Facade design and detailing @ 1:20 and 1:5 scale.
 - Brickwork: specification, setting-out (proportions) and detailing around window cills, reveals, lintels and copings @ 1:20 scale.
 - Copper cladding to entrance canopy and fascia and window reveals/spandrels @ 1:20 and 1:5 scales.
 - Window design: setting out and specification including feature vent panels and angled units.
 - Balcony guarding: material, proportions, and positioning @ 1:20 and 1:5 scale.
 - Entrance portals: doors and screens including entrance canopies @ 1:20 and 1:5 scale.
 - Structural glazing system to entrance lobbies and ground level frontages @ 1:20 and 1:5 scales.
 - Glass Reinforced Concrete (GRC) elements: window linings, spandrel panels, copings and fascia material, setting out and detailing @ 1:5 scale.
3. Details of a landscaping scheme for the development to include hard and soft finishes, green roofs, any gates, walls and fences, external lighting and a CCTV system to be submitted and approved.
4. Approved landscaping scheme to be implemented.
5. Details of the foundation design to ensure satisfactory insulation from ground borne noise and vibration from the running tunnels of the Underground Railway to be submitted approved and implemented.
6. Decontamination measures.
7. The acoustic glazing and ventilation for the facades of the buildings shall be adequate to protect residents from Noise Exposure Category D and shall be as specified in paragraphs 5.3, 5.4, 5.5, 5.6 and 5.7 of the approved PPG24 Noise Assessment dated September 2009 by Hepworth Acoustics unless alternative arrangements are approved in writing by the local planning authority.
8. A communal heating network supplying all heat and hot water requirements in the development shall be installed, in phases if necessary, and shall be made operational prior to the occupation of the first accommodation in each phase. The communal heating network shall thereafter serve all completed accommodation within the development. No more than 350 bed spaces of the student residential accommodation shall be occupied prior to the provision on site of an at least 100 kW electrical capacity CHP plant linked to the site's communal heating network or the connection of the development to an alternative off-site district heating network incorporating an equivalent CHP plant.
9. A 30 vertical U-loop ground source heat pump system shall be installed to provide supplementary heating and cooling. The heat pump shall comply with the following criteria's at the time of installation of the technology:
 - The Coefficient of Performance standards as set out in the Enhanced Capital Allowances product criteria.
 - Other relevant issues as outlined in the Microgeneration Certification Scheme Heat Pump Product Certification

Requirements.

10. Prior to the occupation of the development, the developer shall submit to the local planning authority for its written approval a BREEAM assessment demonstrating that the development will achieve a minimum "Excellent" rating which shall be verified by the awarding body.
11. The approved details of the sustainable design and construction measures shall be implemented and retained so long as the development shall exist except to the extent approved in writing by the local planning authority.
12. Unless alternative arrangements are approved in writing by the local planning authority, the roof terrace shall be permanently fitted with 1.8 metre high obscured glass balustrades and, together with outdoor communal garden areas, shall not be used for amenity purposes outside the hours of 8.00 am to 10.00 pm on any day.
13. Hours of construction time limits (08.00 to 18.00) Monday to Friday, 08.00 to 13.00 Saturdays and not at all on Sundays or Bank Holidays.
14. Piling hours of operation time limits (10.00 to 16.00 Mondays to Fridays, 10.00 to 13.00 Saturdays) and not at all on Sundays or Bank Holidays.
15. The development shall not commence until Transport for London and the London Borough of Tower Hamlets (as the highway authorities and the local planning authority) have approved in writing schemes of highway improvements necessary to serve the development being respectively alterations to the adopted lengths of Mile End Road and Toby Lane.
16. Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal.

3.5. **Informatives**

1. Planning permission subject to section 106 agreement.
2. Planning permission under section 57 only.
3. Wheel cleaning facilities during construction.
4. Consultation with the Metropolitan Police regarding Condition 3 (Landscaping including gates, walls, fences, and CCTV system).
5. Consultation with the London Fire and Emergency Planning Authority regarding Fire Service Access and Water Supplies.
6. Consultation with the Council's Environmental Health Department with regard to Condition 5 (Details of the foundation design).
7. Consultation with the Council's Environmental Health Department with regard to Condition 6 (Decontamination).
8. Consultation with Transport for London and the Council's Department of Traffic and Transportation regarding alterations to the public highway and Condition 15 that will necessitate agreements under section 278 of the Highways Act.
9. The Construction Logistics Plan forming part of the section 106 agreement should investigate the use of the Regent's Canal for the transportation of construction materials.
10. Consultation with Queen Mary College University of London regarding the internal design of the building.
11. Advisory note regarding condition 9 – ground source heat pumps.
12. Any other informative(s) considered necessary by the Corporate Director Development & Renewal.

- 3.6. That, if within 3 months of the date of this Committee, the legal agreement has not been executed, the Corporate Director Development & Renewal be delegated authority to refuse planning permission.

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1. The application is for full planning permission for the redevelopment of the site by the erection of a new building ranging from 3 to 9 storeys in height for use as a new education facility comprising teaching accommodation, student housing, cycle and car-parking areas plus refuse and recycling facilities.
- 4.2. This is a revised proposal following the decision of the Strategic Development Committee on 23rd September 2009, to refuse planning permission for the redevelopment of the site by an alternative proposal involving a part 3, part 5, part 7, and part 11 storey high building to provide a new education facility and student housing. Please see details of the decision taken on 23rd September 2009 at paragraphs 4.24 to 4.31 below. Following the refusal of the previous scheme, the applicant has been in discussions with the council and Greater London Authority officers regarding design amendments to address the reasons for refusal.
- 4.3. The key changes between the development refused on 23rd September 2009 and the current proposal are as follows:
- Gross external floorspace reduced from 19,076 sq m to 16,602 sq m.
 - Gross internal floorspace reduced from to 13,629 sq m 11,500 sq m.
 - The number of student bed spaces reduced from 631 to 583.
 - The previous scheme proposed three interconnected building volumes. The current proposal splits the accommodation into seven volumes that read as interconnected buildings of varying scales.
 - Consequential breaking up and modelling of the facades and roofscape.
 - Maximum height reduced from 11 storeys to 9 storeys.
 - The previous scheme ranged between 3 and 11 storeys in height; whereas the current proposal scheme is between 3 and 9 storeys.
 - The previous scheme employed a single fenestration concept applied across the entire façade. The current scheme deploys a varied fenestration to each building block, but with common design features to ensure the development reads as a family.
 - Variation in facing materials across the seven building volumes.
 - A roof terrace deleted from the eastern end of the 4th floor roof of the building fronting Mile End Road.
- 4.4. The proposed building would now vary from 3-storey in height (9.6 metres high) at its eastern end, rising to 9 storeys (28.00 metres high) towards the centre then dropping to 8 storeys (22.7 metres high) at its western end. The eastern part of the building would have northern and southern wings linked at ground and 1st floor levels. The development would comprise two main elements:
- (i) A new education / teaching facility and;
 - (ii) Student living accommodation.
- 4.5. There would be a double height ground floor frontage to Mile End Road. The education space would be arranged around a large central double-height circulation zone which would also provide break-out space and informal meeting / seating areas for the students, along with a café / restaurant. Formal teaching

rooms would be provided at the eastern end of the building fronting Mile End Road and on the upper floors, including within the central-core, which would rise through the building to fourth floor level.

4.6 The southern (rear) and upper parts of the building would provide student living facilities arranged as either single studios or clusters with private kitchens and bathrooms. The student living accommodation proposes 583 bed spaces split between:

- 50 x single studios
- 512 x 1 bed units
- 21 x 1 bed wheelchair accessible units

4.7 The education facility would support over 300 full-time students and would be operated by INTO University Partnerships, who provides foundation courses for students before they enter undergraduate and post-graduate degree courses.

4.8. Whilst Queen Mary University (QMUL) is not directly involved in the development, the developer anticipates that over half the bed spaces would be occupied by students studying with the INTO teaching facility within the building, with the remaining rooms made available for students studying on the QMUL campus.

4.9. Tree planting would be undertaken along Mile End Road and at the eastern end of the site. The proposal incorporates a range of amenity space provision, including roof terraces, enclosed sky-gardens and areas of communal landscaping as follows:

- A roof terrace = 92 sq m
- Internal 'Sky gardens' = 140 sq m
- Communal gardens = 988 sq m

4.10. The proposal does not include car-parking for either students or staff although two spaces for disabled people would be provided at the south-east corner of the building accessed off Toby Lane. A third parking space in this location would be used as a light goods servicing bay with three adjacent spaces for motor cycles. Secure cycle parking for 388 bicycles would be provided within an enclosed area at the eastern end of the site and there would be visitor bicycle stands adjacent to the main entrance points on Mile End Road.

Site and surroundings

4.11. The site comprises 0.47 hectare located on the southern side of Mile End Road. It is broadly rectilinear with a 145 metre long frontage to Mile End Road.

4.12. Most of the site was occupied until April 2009 as showrooms for the sale of motor vehicles. The existing buildings on the site comprise 2 and 3-storey development. Vehicle repairs were undertaken in associated workshops and there are ancillary offices. Motor vehicles were displayed on the forecourt and in an open sales yard at the eastern end of the site.

4.13. The development site includes the former 'Fountain' public house, No. 438 Mile End Road most recently used as a bar / nightclub. This is a 2-storey building with rear vehicular access to Toby Lane.

- 4.14. In total, there is approximately 2,700 sq. m of existing accommodation across the site split between the car showroom use (2,429 sq. m) and the bar/nightclub (240 sq. m).



Existing buildings. Application site marked by broken line

- 4.15. Mile End Road is a strategic London distributor road known as the A11. It is a 'red route' and part of the Transport for London Road Network. The site at present has three vehicular accesses onto Mile End Road. There is a 'pelican' crossing across Mile End Road at the eastern end of the site and a further pedestrian crossing immediately east of Harford Street which runs south from Mile End Road. Toby Lane, which runs in a dog leg between Harford Street and Solebay Street, is a borough road. Mile End Road is part of the proposed 'High Street 2012' Olympic Boulevard leading to the Olympic Park.
- 4.16. Opposite the site, on the northern side of Mile End Road, is the Queen Mary University (QMUL) campus (part of the University of London) that is accommodated in a number of buildings of varying heights. The campus occupies some 10 hectares extending northwards towards Meath Gardens. Within the campus, 90 metres east of the application site, the white stone Drinking Fountain and Clock Tower and the 1930's Queen's Building (formerly the Peoples Palace) are listed Grade 2. The adjoining 3-storey administrative building of Queen Mary College dates from 1890, designed in ornate classical style, and built as the original Peoples Palace, is also Grade 2 listed. Opposite the application site at Nos. 331–333 Mile End Road, the boundary wall of the cemetery of the Spanish and Portuguese Jewish Congregation Queen Mary, University of London is also Grade 2 listed.
- 4.17. Adjoining the application site to the west, 'Lindop House,' No. 432 Mile End Road is a part 6, part 7-storey building providing student housing. There is also a recent development of student housing to the rear of Lindrop House in Toby Lane / Solebay Street named 'Rahere Court' which adjoins an ambulance station on the corner of Toby Lane / Harford Street.
- 4.18. To the south of Mile End Road lies the Ocean Estate, a large post-war municipal housing development comprising mostly a series of medium – high rise (6-9 storeys) blocks arranged around a series of courtyards and open spaces. The estate has a frontage onto Mile End Road to the west of the application site, presenting a series of blocks running perpendicular to the road separated by areas of landscaping.
- 4.19. To the east and south-east of the application site, part of the Ocean Estate comprises a modern residential development of 2 and 3-storey dwellinghouses

on Canal Close, Union Drive, and Grand Walk. The houses on Grand Walk lie alongside the Grand Union (Regent's) Canal and fall within the council's recently designated Regent's Canal Conservation Area. This adjoining development on Grand Walk has rear windows overlooking the former open sales yard of the development site and is separated from it by rear gardens 7 – 10 metres long.

- 4.20. Mile End Park, designated as Metropolitan Open Land, lies to the east of the Regent's Canal with the interconnecting 'Green Bridge' crossing Mile End Road.
- 4.21. The site contains no buildings included within the Statutory List of Buildings of Architectural or Historic Interest. In the vicinity of the application site, in addition to the listed buildings within the QMUL campus; No. 357 Mile End Road (34 metres north east of the site) and the terrace Nos. 359 to 373 Mile End Road east of the Regent's Canal (all on the northern side of Mile End Road) are included within the council's non-statutory local list. The Guardian Angels Roman Catholic Church and Presbytery, No. 377 Mile End Road, is statutorily listed Grade 2. The buildings on the northern side of Mile End Road east of the canal lie within the designated Clinton Road Conservation Area.
- 4.22. The urban grain of the development site, and its environs, is badly fragmented following war damage. Immediately south of the site lies open land occupied by the council's Toby Lane Depot operated by Catering and Transport Services. A new kitchen building has recently been constructed in the north eastern corner of the depot abutting the development site.
- 4.23. The site has good public transport accessibility. Mile End Station, on the Central and District Lines of the Underground Railway, lies 250 metres to the east. Bus routes 25 and 208 serve Mile End Road. There are a further five bus routes serving the Mile End area - Nos. 229, D6, D7, 425 and 277. The western part of the site has a Public Transport Accessibility Level (PTAL) of 5 and the eastern yard scores PTAL 6a where 1 is low and 6 is high. The running tunnels of the Underground Railway lie beneath the site and adjoining parts of Mile End Road.
- 4.24. The site has recently been used unlawfully used as a commercial car park, for the parking of a mobile fast food outlet, a car wash at least one party has been held. At the time of writing, INTO University Partnership has advised that the site is being squatted and steps are being taken to have the squatters removed.

Material planning history

- 4.25. At its meeting of 4th August 2009, the Strategic Development Committee considered an application for planning permission to redevelop the site by a part 3, part 5, part 7, and part 11 storey building to provide a new education facility and student housing.
- 4.26. The Committee resolved that it was minded to REFUSE planning permission on the following grounds:
1. The proposed density;
 2. Inappropriate design and height of the proposed development in this location;
 3. Overdevelopment of the site; and
 4. A lack of benefit for local residents.

4.27. On 23rd September 2009, the Strategic Development Committee considered a Supplemental report setting out recommended reasons for refusal and the implications of the decision. The Committee resolved to refuse planning permission for the following reasons:

2. The proposed development due to its height would amount to an overdevelopment of the site contrary to:

- (a) Policies 4B.1, 4B.9 and 4B.10 of The London Plan 2008 that require development including tall and large-scale buildings to respect local context.
- (b) Policies DEV1 and DEV3 of the Tower Hamlets Unitary Development Plan 1998, which requires development to take into account and be sensitive to the character of the surrounding area, in terms of design, bulk and scale and the development capabilities of the site.
- (c) Policies CP48 and DEV2 of the Council's interim planning guidance 2007 which requires development to take into account and respect the local character and setting of the development site in terms of scale, height mass, bulk and form of development.

3. Due to inappropriate design, with inadequate modulation of the facades of the proposed building, the development would not be an attractive city element as viewed from all angles in conflict with:

- (a) Policy 4B.10 of The London Plan 2008 which requires development to suited to their wider context in terms of proportion and composition.
- (b) Policy DEV1 and DEV3 of the Tower Hamlets Unitary Development Plan 1998 which require development to take into account and be sensitive to the character of the surrounding area.
- (c) Policy DEV2 of the Council's interim planning guidance 2007 which requires development to take into account and respect the local character and setting of the development site in terms of roof lines, streetscape rhythm, building plot sizes and design details and to enhance the unique characteristics of the surrounding area to reinforce local distinctiveness and contribute to a sense of place.

4.28. In reaching its decision, the Committee considered advice in the Supplemental report on its resolution of 4th August 2009 which may be summarised as follows:

Resolution 1

4.29. Officers advised that as a matter of principle, it is questionable whether it is appropriate to apply a residential density calculation to student housing in the same way as a general purpose housing scheme. It was advised that in this case, the determining factor should be the resultant design arising from the amount of development proposed and its compatibility with the local context. Accordingly, recommended Refusal Reason 1 concerned overdevelopment of the site due to excessive height in relation to the local context, but did not allege conflict with the residential density range guidelines provided by Table 3A.2 of the London Plan or Planning Standard 4: Tower Hamlets Density Matrix of the council's interim planning guidance 2007. Given the lack of support from the Development Plan for a refusal based on Resolution 1, the Committee agreed

that planning permission should not be refused on the ground of density as a stand alone reason.

Resolution 2

- 4.30. Officers advised that Refusal Reason 2 concerned inappropriate design due to inadequate modelling of the façade of the development on this long stretch of Mile End Road, resulting in conflict with The London Plan 2008, which requires development to be suited to its wider context in terms of proportion and composition. The development was also contrary to the design policies in Council’s Unitary Development Plan 1998 and the interim planning guidance 2007, which require development to take into account and be sensitive to the character of the surrounding area.

Resolution 3

- 4.31. Officers advised that overdevelopment manifested itself in a proposal that would be excessively high. Accordingly, recommended Refusal Reason 1 concerned:
- Conflict with The London Plan 2008 that requires tall and large-scale buildings to respect local context,
 - Conflict with the Tower Hamlets Unitary Development Plan 1998 which requires development to take into account and be sensitive to the character of the surrounding area and the development capabilities of the site, together with the similar policy in the council’s interim planning guidance 2007.

Resolution 4

- 4.32. The Committee considered the package of section 106 obligations offered by the developer. These are the same as offered in relation to the current application and summarised at paragraph 3.1 B above. Officers advised that there is no national guidance or policy in The London Plan 2008, the Tower Hamlets Unitary Development Plan 1998, or the council’s interim planning guidance 2007 that requires development to provide benefits for local residents. Applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Whilst community benefit can be a material consideration, a fundamental principle in the determination of applications for planning permission is whether obligations outside the scope of the application are necessary to enable a development to proceed. Members decided that as no such further obligations had been identified and, given the absence of support in the Development Plan for a refusal based on Resolution 4, planning permission should not be refused on the ground of inadequate benefit for local residents.

5. POLICY FRAMEWORK

- 5.1. For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. The following policies are relevant to the application:

5.2. Spatial Development Strategy for Greater London (The London Plan 2008)

Policies	2A.1	Sustainability criteria
	3A.3	Maximising the potential of sites

3A.5	Housing choice
3A.6	Quality of new housing provision
3A.7	Large residential developments
3A.10	Negotiating affordable housing
3A.13	Special Needs Housing
3A.25	Higher and further education
3C.1	Integrating transport and development
3C.2	Matching development to transport capacity
3C.3	Sustainable Transport
3C.23	Parking strategy
4A.1	Tackling climate change
4A.2	Mitigating climate change
4A.3	Sustainable design and construction
4A.4	Energy assessment
4A.5	Heating and cooling networks
4A.6	Decentralised energy
4A.7	Renewable Energy
4A.9	Adapting to climate change
4A.11	Living roofs and walls
4.A.14	Sustainable drainage
4A.16	Water supply and resources
4A.19	Improving air quality
4B.1	Design principles for a compact city
4B.2	Promoting world class architecture and design
4B.3	Enhancing the quality of the public realm
4B.5	Creating an inclusive environment
4B.6	Safety, security and fire prevention
4B.8	Respect local context and communities
4B.10	Large scale buildings, design and impact
4.B.11	London's built heritage
4B.12	Heritage conservation
5C.1	The strategic priorities for North East London
6A.5	Planning obligations

5.3. **Tower Hamlets Unitary Development Plan 1998 (saved policies)**

Proposals: Unallocated. Within 15 metres of a strategic road. Designations within the vicinity of the site are as follows:

- Queen Mary College lies within an Arts, Culture and Entertainment Area.
- Mile End Park - Metropolitan Open Land.
- The Grand Union Canal - Green Chain.

Policies:

ST23 - High Quality Housing

ST25 - Housing to be adequately served by all infrastructure

ST28 - Restrain unnecessary use of private cars

ST43 - Public Art

ST45 – Ensure sufficient land for education needs

ST46 – Encourage education and training provision at accessible locations.

DEV1 - Design Requirements

DEV2 - Environmental Requirements
DEV3 – Mixed Use Development
DEV4 - Planning Obligations
DEV12 - Provision of Landscaping
DEV51 - Contaminated land
DEV55 - Development and Waste Disposal
DEV56 - Waste Recycling
DEV69 - Efficient Use of Water
EMP1 – Promoting Employment Growth
HSG13 - Internal Space Standards
HSG14 – Special needs housing
T16 – Impact of traffic generation
T18 – Safety and convenience of pedestrians
T21 - Pedestrian Needs in New Development

5.4. **Interim planning guidance: Tower Hamlets Core Strategy and Development Control Plan September 2007**

Proposals: Unallocated except for ‘Proposed Cycle Route’.
Designations within the vicinity of the site are as follows:
Mile End Park - Metropolitan Open Land, Public Open Space and Site of Importance for Nature Conservation.
The Grand Union Canal - Green Chain and part of the Blue Ribbon Network.

Core Strategies	IMP1	Planning Obligations
	CP1	Creating Sustainable Communities
	CP3	Sustainable Environment
	CP4	Good Design
	CP5	Supporting Infrastructure
	CP7	Job Creation and Growth
	CP11	Sites in Employment Use
	CP20	Sustainable residential density
	CP24	Special Needs and Specialist Housing
	CP25	Housing Amenity Space
	CP29	Improving education and skills
	CP31	Biodiversity
	CP38	Energy Efficiency & Renewable Energy
	CP39	Sustainable Waste Management
	CP40	A Sustainable Transport Network
	CP41	Integrating Development with Transport
	CP42	Streets for People
	CP46	Accessible and Inclusive Environments
	CP47	Community Safety
	CP48	Tall Buildings
	CP49	Historic Environment
Development	DEV1	Amenity
Control	DEV2	Character & Design
Policies:	DEV3	Accessibility & Inclusive Design
	DEV4	Safety & Security
	DEV5	Sustainable Design
	DEV6	Energy Efficiency & Renewable Energy

DEV8	Sustainable drainage
DEV9	Sustainable construction materials
DEV10	Disturbance from Noise Pollution
DEV11	Air Pollution and Air Quality
DEV12	Management of Demolition and Construction
DEV13	Landscaping and Tree Preservation
DEV14	Public Art
DEV15	Waste and Recyclables Storage
DEV16	Walking and Cycling Routes and Facilities
DEV17	Transport Assessments
DEV19	Parking for Motor Vehicles
DEV20	Capacity of Utility Infrastructure
DEV22	Contaminated Land
EE2	Redevelopment / Change of Use of Employment Sites
RT6	Loss of Public Houses
HSG1	Determining Residential Density
HSG7	Housing amenity space
CON2	Conservation Areas

5.5. Supplementary Planning Guidance/Documents

Designing Out Crime
Landscape Requirements
The Mayor of London's Housing Supplementary Planning Guidance
East London Sub Regional Development Framework 2006

5.6. Government Planning Policy Guidance/Statements

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport
PPG15	Planning and the historic environment
PPS22	Renewable Energy
PPG24	Noise

5.7. Community Plan

The following Community Plan objectives relate to the application:

- A Great Place to Live
- A Prosperous Community
- A Safe and Supportive Community
- A Healthy Community

5.8. Other material considerations

1. The Government White Paper. The Future of Higher Education 2003
2. Tower Hamlets Local Development Framework Core Strategy 2025 Proposed Submission Version September 2009
3. Student Housing in Tower Hamlets. LBTH August 2008

6. CONSULTATION RESPONSE

- 6.1. The views of officers within the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The following were consulted regarding the application.

Greater London Authority (Statutory consultee)

- 6.2. The development is greater than 15,000 sq m gross external area and is referable to the Mayor under Category 1B 1(c) of the Mayor of London Order 2008.
- 6.3. At Stage 1, the Mayor advised that The London Plan policies on student housing, design, inclusive design, climate change mitigation and adaptation, and transport are relevant to the application.

Student housing. Whilst the principle of an educational facility and student housing on this site is supported, the applicant should address the emerging requirement in draft replacement London Plan policy 3.8 to secure an end user for the units through providing information regarding discussions with INTO and Queen Mary College.

Urban design: The revised design is in accordance The London Plan policies within Chapter 4B and Chapter 7 of the draft replacement Plan.

Inclusive design: The scheme is in accordance The London Plan policy 4B.5 and draft replacement Plan policy 7.2.

Climate change mitigation and adaptation: The sustainability and energy strategy is in accordance with strategic policies within The London Plan Chapter 4A, and Chapter 5 of the draft replacement London Plan. The council should secure the strategy by condition.

Transport: The council should secure a travel plan, a construction logistics plan and a delivery and service plan through a section 106 agreement, and restrict students from parking permits. A financial contribution towards pedestrian crossing improvements is also required.

- 6.4. (Officer comment: The draft replacement London Plan was published in October 2009 for its first round of consultation and carries very limited weight at present. The GLA has questioned whether some of the units would be surplus to requirements, at least initially, and who the intended user is. INTO has explained that a proportion of the student housing would be made available to students at Queen Mary University, with whom detailed discussions have been held, but as yet there is no formal agreement in place.
- 6.6. Notwithstanding its status, the fundamental aim of policy 3.8 of the draft replacement London Plan is to ensure that not only is there is a sufficient supply of quality student accommodation, but that it is delivered in such a way as to not prejudice the availability of land for conventional housing and, in particular, affordable family homes. The application site is unsuitable for permanent housing (particularly affordable and family units) due to its position on Mile End Road. It is also within the QMUL “*Knowledge Hub*” proposed by the Tower Hamlets emerging Local Development Framework (see paragraphs 8.26 to 8.30 below). Accordingly, the proposal would have no impact upon housing land availability in the borough. Indeed, by helping to address the shortage of student

accommodation, the development would reduce the pressure on other land in the borough that is better suited to conventional housing development.

- 6.7. There are no planning policies in either the current London Plan 2008, or the council's existing and emerging development plan, to secure affordable housing for students. The draft replacement London Plan however now says (paragraph 3.45) that:

“unless student accommodation is secured through a planning agreement for occupation by members of specified educational institutions for the predominant part of the year, it will normally be subject to the requirements of affordable housing policy.”

- 6.8. In that regard, a Head of agreement is recommended to ensure that the student residential accommodation should only be occupied for the predominant part of the year by students attending the INTO education facility, Queen Mary University of London, or from a list of other further educational establishments that shall be approved by the local planning authority.
- 6.9. Conditions to secure the delivery of the sustainability and energy strategy are recommended. Heads of agreement are also recommended to secure a travel plan, a construction logistics plan, a delivery and service plan, car free arrangements and a financial contribution of £20,000 towards improvements to the pedestrian crossing on Mile End Road that has been requested by Transport for London).

London Underground Limited

- 6.10. No representations received. Previously confirmed that the developer has consulted London Underground and should continue to work with LU engineers.

Olympic Delivery Authority (Statutory consultee)

- 6.11. No objection. The proposal does not conflict with any of the principles to which the ODA shall have regard to in discharging its planning functions.

English Heritage (Statutory consultee)

- 6.12. Advises that Mile End Road forms part of the High Street 2012 route. Reiterates previous advice that it is important that development of this scale is of a quality commensurate with the fine range of University buildings on the north side of the road. Should the proposal be approved, it is essential that adequate conditions are attached with regard to materials and details and to ensure that additional street trees are planted, as proposed. Recommends that the application should be determined in accordance with national and local policy guidance, and on the basis of the council's specialist conservation advice.
- 6.13. (Officer comment: Conditions regarding facing materials and detailed design are recommended. The proposal involves new planting within the development site along Mile End Road and a condition to ensure landscaping within the site is also recommended. The High Street 1012 improvements will be undertaken by Tower Hamlets and Newham councils, London Thames Gateway Development Corporation and Transport for London and will include additional tree planting on the public highway. The applicant has agreed a contribution to the funding of these works within the Mile End Intersection Area Study).

Commission for Architecture and the Built Environment (CABE)

- 6.14. Unable to comment due to insufficient resources.

Thames Water Plc

- 6.15. No objection regarding water infrastructure.

Metropolitan Police

- 6.16. Generally happy with the design, improvements in the streetscape and the creation of an active frontage. Concerned about the potential for break in from the rear, the side entrances, and the Toby Lane access. Side gates, vehicular entrance gates and the rear boundary wall should be sufficiently high to stop easy access.
- 6.17. (Officer comment: These concerns can be addressed at the detailed planning stage. A condition is recommended to require final approval of the detailed design of landscaping including gates walls, fences, external lighting, and a CCTV system. An informative advising further consultation with the Metropolitan Police is also recommended).

London Fire and Emergency Planning Authority

- 6.18. Requests consultation with the developer regarding fire service access and water supplies.
- 6.19. (Officer comment: An appropriate informative is recommended).

British Waterways Board (Statutory consultee)

- 6.20. No objection, but advises that the submitted Sustainability and Energy Statement does not consider the use of the canal and heat exchange technology. Requests a section 106 contribution towards the improvement and enhancement of the waterway as the development will bring more residents and visitors to the area benefiting from the setting of the canal and towpath but putting additional pressure on infrastructure and BWB's maintenance programme.
- 6.21. (Officer comment: The same comments were made by British Waterways on the first application. The applicant advises that the option to use canal water for the cooling of the development was considered by their Sustainability Consultant in the early design stages. It was found not to be feasible because of the difficulty in routing pipe work from the building to the canal. There are no routes from the proposed building to the canal that do not pass through either privately owned land or underneath Mile End Road. Neither of these options was deemed feasible. This is accepted.
- 6.22. The developer has offered to fund environmental improvements in the local area namely the High Street 2012 project. This would include enhanced access to Mile End Park and the Regent's Canal and enhanced connection between Mile End Park and the Regent's Canal towpath. These works would partially embrace BWB's request and are considered fairly and reasonably related in scale and kind to the proposed development. It is considered that any further unspecified and unquantified payment to BWB would be unreasonable as it would not satisfy the

tests for planning obligations provided by Government Circular 05/2005).

Inland Waterways Association

- 6.23. No representations received. Previously raised no objection.

Tower Hamlets Primary Care Trust

- 6.24. No representations received.

Environmental Protection

- 6.25. The development is acceptable in terms of daylight / sunlight impacts on adjoining property. Previously recommended that any planning permission be conditioned to secure decontamination of the site. The building would be subject to Noise Exposure Category D where PPG24 advises that planning permission for residential development should normally be refused. If planning permission is to be granted, conditions should be imposed to ensure the undertaking of sound proofing and acoustic ventilation to provide a commensurate level of protection. Concerned about ground borne noise impact from Underground trains on the ground floor residential/educational uses.
- 6.26. (Officer comment: Conditions to secure decontamination, sound proofing and acoustic ventilation are recommended. With regard to ground borne noise, the developer advises that the foundations would be a part-raft and part-piled, the principles of which have been agreed with London Underground Limited. The foundations and superstructure would be designed to minimise the transmission of vibrations from the railway tunnels by the incorporation of either deadening or isolation measures. Given the nature of the bespoke foundation solution, it is not possible to provide details of the noise / vibration insulation measures until the detailed design stage. The developer however is confident that the solution will ensure a satisfactory living and working environment for future occupiers. It is suggested that this issue can be dealt with via a planning condition and an appropriate condition is recommended).

Traffic and Transportation

- 6.27. No objection on highway grounds. The site is in an area of excellent public transport accessibility and bicycle parking accords with standards. There will need to be agreements under the Highways Act with the council and Transport for London for works affecting the public highway. Recommends a section 106 agreement to secure:
- Car free arrangements.
 - The submission and implementation of a full Transport Plan, a Construction Management Plan, and a Service Management Plan.

(Officer comment: An appropriate condition and Heads of agreement are recommended).

The Olympic Team (2012 Unit)

- 6.28. The new building accords very well with the High Street 2012 vision, replacing buildings and a land use that has had a detrimental impact on the street. It would provide a good edge and active frontage to Mile End Road and contribute to

forming a busy and well overlooked street environment. A section 106 contribution is requested to help fund the High Street 2012 project.

- 6.29. (Officer comment: The applicant has agreed to fund works forming part of the High Street 2012 project and Heads of agreement are recommended above).

Parks and Open Spaces

- 6.30. No comments received.

Education Development

- 6.31. No comments received.

Waste Management

- 6.32. No comments received. Previously, no objection in principle.

Head of Children's Services Contract Services

- 6.33. No comments received. Previously advised that security to the Council's Toby Lane Depot should be maintained. The catering operation for the elderly and vulnerable of the community operates 365 days a year and disruption will have major implications for this group of users.

- 6.34. (Officer comment: The application proposes a new solid wall 2.4 m in height along the boundary of the two sites. The developer advises that they will develop the detailed design of the wall in consultation with Contract Services in order to incorporate any appropriate additional security measures. The developer also confirms that a secure boundary would be provided during the construction phase which, again, they are happy to develop in consultation Contract Services. There will be 24 hour on-site management / security provided within the proposed new facility which will monitor all boundaries and access points to the site particularly outside of normal working hours which will improve general security in the local area including the Toby Lane Depot).

Corporate Access Officer

- 6.35. No comments received.

Landscape Development Manager

- 6.36. No comments received.

Energy Officer

- 6.37. Advises that the submitted energy strategy follows the energy hierarchy set out in policy 4A.1 of The London Plan 2008. Recommends that any planning permission is conditioned to ensure the provision of the means of energy efficiency and renewable energy. Also recommends a condition to ensure compliance with the Code for Sustainable Homes with a BREEAM 'Excellent' rating.

- 6.38. (Officer comment: Appropriate conditions are recommended).

7. LOCAL REPRESENTATION

7.1. A total of 404 neighbouring properties within the area shown on the map appended to this report, together with all individuals and bodies who made representations on the first application, have been notified about the revised application and invited to comment. The application has also been publicised in East End Life and by four site notices. The number of representations received from neighbours following publicity of the second application is as follows:

No of individual responses:	Objecting:	Supporting:
24	1	23

7.2 No. of petitions received: 1

7.3. Material points from neighbours in support of the development may be summarised as:

- The site needs redevelopment and should not remain derelict. The proposal looks well designed and would be a welcome addition to the street scene along a drab stretch of Mile End Road.
- The old garage has long been a blot on Mile End Road and the prospect of a modern building is exciting.
- The new design, whilst not as impressive as the first, would vastly improve the neighbourhood.
- Students and University staff are vital for the area. They bring vibrancy and their trade brings economic benefits that are important to the local economy.
- The proposal would revitalise Mile End Road and create many jobs locally.
- If there is a logical location for student facilities in the borough this is it.
- The development is something the Mile End Road needs to be ready for the 2012 Olympics.

7.4. The objection letter is on behalf of the residents of the Ocean Estate, 152 of who have signed an attached petition. Material objections raised may be summarised as:

- The Ocean Estate Tenants and Leaseholders Association objects to the Council's LDF Core Strategy 2025 Development Plan Document (and emerging policies) which advocate the extension of the "*Queen Mary University Knowledge Hub*" beyond the existing campus boundary.
- The ongoing loss of employment sites in Mile End to student related uses conflicts with the council's stated priority in the LDF "*To increase employment opportunities with a focus on encouraging small and medium enterprises in and around the town centre.*"
- More student hostels would result in further loss of residential amenity, diminishing social cohesion and destroy a sustainable community as it is replaced by a student township with more clubs, bars, and related leisure facilities.
- Infrastructure is already at breaking point.
- The revised proposal fails to fully respect local context. There should be further height reductions and a commensurate reduction in the number

- of student bed spaces.
 - Further improvements with respect to design, scale, height, mass, bulk and form of development are required, to ensure the development complements the listed and other buildings on the QMUL campus; and enhances High Street 2012.
 - Further reductions in student numbers are required to mitigate the impact of the proposed roof terraces, sky gardens and communal gardens; together with the serious and potentially dangerous impacts on traffic movements in relation to Harford Street Ambulance Station and the Toby Lane Depot.
- 7.5. (Officer comments: The LDF Core Strategy has been developed In discussions with QMUL which has identified that student accommodation is preferred within a close radius to the university. This is reflected within the *'delivering place making'* section of the Core Strategy. The reference in the LDF to the extension of the "Queen Mary University Knowledge Hub" beyond the existing campus also acknowledges the fact that QMUL is the fourth biggest college of London University and one of the top research institutions in the country. The council has worked with the university to develop their plans to continue the development of a world class knowledge and research sector in Tower Hamlets. This is reflected in the LDF Core Strategy which was approved by Cabinet for formal consultation on 2nd September 2009.
- 7.6. As explained, at paragraph 8.20 below, the former use of the site provided limited employment opportunities. The applicant estimates that the motor vehicle use provided 20 to 30 jobs whilst the proposed development would result in the provision of 200+ jobs.
- 7.7. Transport for London has advised that the impact of the development on the public transport network would be minimal. There is no suggestion that infrastructure is at "breaking point."
- 7.8. As explained in 'Material Planning Considerations' below, the proposed building in architectural terms would be a significant improvement over the existing car show room and former public house and would reinstate a badly fragmented streetscape. It would respect the local context and preserve the setting of listed and locally listed buildings in the vicinity, which are mostly some distance from the site. English Heritage has not raised any objection and the design is supported by the Greater London Authority and the Council's Olympic Team (2012 Unit).
- 7.9. Only one roof terrace is now proposed and, as explained at paragraph 8.77 below, to maintain the privacy of the dwellings on Canal Close and Grand Walk, the terrace would be fitted with 1.8 metre high obscured glass balustrades. A condition is also recommended to secure this arrangement and to ensure that both the terrace and communal gardens should not be used for amenity purposes outside the hours of 8.00 am to 10.00 pm on any day.
- 7.10. The development, together with the recommended 'car free' agreement, would substantially reduce traffic generation compared to the former motor vehicle use. The applicant estimates a reduction of minus 48 vehicle trips in the AM Peak and a reduction of 54 trips in the PM Peak. Only the student accommodation would be serviced from Toby Lane, via the existing access that served the Fountain PH. This would be limited to bi-weekly waste collections. There would be just two parking spaces for disabled people at this location,

together with three motor cycle spaces and a space for a contractor's light goods vehicle. Traffic generation onto Toby Lane would therefore be very low and it is not accepted that there would be serious and potentially dangerous impacts on traffic movements in relation to Harford Street Ambulance Station and the Toby Lane Depot.

Queen Mary University of London (QMUL)

- 7.11. The College recognises the changes made in the revised scheme and continues to express in principle support of the development but comments on the design, rent levels, noise, internal layout, transport, and the provision of student accommodation on the QMUL campus.

Design

- 7.12. QMUL are pleased to note the reduction in height, and the presentation of a more broken street frontage. The College does not object to the scale, bulk and massing of the scheme but remain to be convinced that the scheme will positively contribute to the townscape, or the architectural integrity of the surrounding area. Requests that any planning permission is conditioned to ensure that the external building materials and specifications proposed in the application are actually used.
- 7.13. (Officer comment: As explained in 'Material Planning Considerations' below, the revised design is considered appropriate to its context and would reinstate a badly fragmented townscape. QMUL appear concerned that the design might be watered down. To preclude this, conditions are recommended to ensure the final approval of crucial design elements indicated on the application material submitted to date).

Rent level

- 7.14. Rent levels and the affordability of student accommodation are a key concern to QMUL to ensure students have access to affordable accommodation of an appropriate standard close to the campus. At present, QMUL experience more demand for cheaper accommodation than the College presently provides. Whilst QMUL support the provision of student accommodation, it is evident from other schemes nearby that their affordability means they do not directly serve the QMUL population. QMUL have unsuccessfully attempted to secure an agreement with the developer to provide a level of affordable rooms.
- 7.15. (Officers comments: There are no planning policies to secure affordable housing for students. The council's powers under section 106 of the Planning Act do not extend to requiring other parties to enter into agreements between themselves and it is not considered that the council should be involved in overseeing any commercial arrangements between the developer and Queen Mary University. Nevertheless, in accordance with emerging policy 3.8 of the draft replacement London Plan, a Head of agreement is recommended to ensure that the student residential accommodation should only be occupied for the predominant part of the year by students attending the INTO education facility, Queen Mary University of London, or from a list of other further educational establishments that shall be approved by the local planning authority).

Noise

- 7.16. QMUL are concerned that despite noise mitigation measures, the location on Mile End Road would result in an unacceptable environment not conducive to student accommodation.
- 7.17. (Officers comments: A condition is recommended to require the approval of details of acoustic glazing and ventilation to ensure satisfactory living conditions).

Internal layout

- 7.18. QMUL welcomes internal design amendments but considers the corridor design would put pressure on the limited amount of communal and amenity space as areas are not "owned" by a group of rooms, as would be the case of a communal kitchen/dining area in a cluster flat. The College also would not want to see the accommodation occupied by key workers (should the units not be taken up by students) without appropriate management to ensure student welfare.
- 7.19. (Officer comment: The proposal is to provide special needs accommodation for students and has been designed accordingly. The internal layout is largely a matter for the developer and, given this issue raises no public interest; this is not a matter that falls within the remit of the local planning authority. Nevertheless, if planning permission is granted, an informative is recommended advising consultation with QMUL. It is not considered that the accommodation is suitable for general needs housing whether for 'key workers' or otherwise. Nevertheless, the developer has agreed to enter into a legal agreement with the council to ensure that in perpetuity no part of the student residential accommodation shall be used as a Class C3 dwellinghouse).

Transport

- 7.20. QMUL is concerned that the application documents link the development with its campus. The transport impact of the development should be considered as a stand-alone scheme).
- 7.21. (Officer comment: The proposal has been assessed as a stand-alone scheme. The site is located in an area of good public transport accessibility and the proposal is considered is satisfactory in that regard).

Provision of student rooms

- 7.22. QMUL seek assurance that the development would not impact on their ability to provide by years 2012/14 up to 700 new rooms on its campus purely for QMUL students, as outlined in the council's publication 'Student Accommodation in Tower Hamlets' August 2008.
- 7.23. (Officer comments: Officers see no planning reason why the development would impact on proposals by QMUL to provide rooms on its own campus for QMUL students).
- 7.24. The following issues were raised in representations that are material to the determination of the application and are addressed in the next section of this report:

8. MATERIAL PLANNING CONSIDERATIONS

8.1. The main planning issues raised by the application that the Committee must consider are:

- Land use.
- The amount of accommodation
- Urban design and the effect of the development on the character and appearance of the Regent's Canal Conservation Area and the setting of listed buildings.
- Contribution to 'High Street 2012.'
- Amenity of adjoining premises.
- Access and servicing arrangements.
- Amenity space and landscaping.
- Sustainable development/ renewable energy.
- Air quality.
- Planning obligations.

Land use

8.2. London is an international centre for the creative industries and the knowledge economy. It is a world centre of academic excellence and providing research. It leads in providing skilled workers in a global economy. The city attracts students and scholars from all over the world. The borough has two main universities: Queen Mary University of London, with its campuses at Mile End and The Royal London Hospital at Whitechapel, and London Metropolitan University in Aldgate.

8.3. In a national context, the Government's 2003 White Paper, 'The Future of Higher Education' proposes to increase the number of students in higher education to 50% of 18-30 year olds by 2010 from the 2008 level of 43%.

8.4. In requiring local planning authorities to identify and plan for the accommodation requirements of its population, the Government's Planning Policy Statement 3: 'Housing' acknowledges that students need to be considered in local housing needs assessments.

The London Plan 2008

8.5. The London Plan 2008 provides the mayor's strategic objectives the most relevant of which to this application are to:

"Make the most sustainable and efficient use of space in London and encourage intensification and growth in areas of need and opportunity

Achieve targets for new housing... that will cater for the needs of London's existing and future population

Create incentives and opportunities to stimulate the supply of suitable floorspace in the right locations to accommodate economic growth, including mixed uses"

8.6. The London Plan recognises the role of higher education in supporting London's position as a world city, along with the benefits resulting from associated

employment opportunities and by attracting investment into the economy.

- 8.7. In terms of housing, The London Plan seeks to increase the supply of accommodation (Policy 3A.1) by ensuring that proposals achieve the maximum intensity of use compatible with local context, design policy principles and public transport capacity (Policy 3A.3). Policy 3A.5 requires boroughs to take steps to identify the full range of housing needs in their area. Paragraph 3.39 acknowledges the importance of purpose-built student housing and the role it plays in adding to the overall supply of housing whilst reducing pressure on the existing supply of market and affordable housing. Policy 3A.13 requires the borough's policies to provide for special needs housing including student housing.
- 8.8. Policy 3A.25 of The Plan states that the Mayor will work with the higher education sectors to ensure the needs of the education sectors are addressed by:
- *“Promoting policies aimed at supporting and maintaining London’s international reputation as a centre of excellence in higher education;*
 - *Taking account of the future development needs of the sector, including the provision of new facilities and potential for expansion of existing provision;*
 - *Recognising the particular requirements of Further and Higher Education Institutions for key locations within good public transport access, and having regard to their sub-regional and regional sphere of operation; and*
 - *Supporting the provision of student accommodation”.*

Sub Regional Development Framework - East London 2006

- 8.9. The Sub Regional Development Framework for East London 2006 provides guidance to east London boroughs on the implementation of policies in The London Plan. In terms of education, the Framework recognises the significance of the sector in terms of London's overall economic base, notes that the East London Sub-Region accommodates five higher education institutions and over 44,000 students (12% of the London total) and encourages opportunities for the provision of academic facilities and student housing.

Tower Hamlets Unitary Development Plan 1998 (UDP)

- 8.10. Except for indicating a cycle route, the site is unallocated on the Proposal Map of the Tower Hamlets Unitary Development Plan 1998.
- 8.11. It is considered that the development accords with UDP strategic policy as follows. Strategic policy ST25 seeks to ensure that new housing developments are adequately serviced by social and physical infrastructure and by public transport provision. Strategic policy ST45 seeks to ensure that sufficient land is available for education needs, whilst strategic policy ST46 encourages education at accessible locations such as this.
- 8.12. In terms of student housing, UDP policy HSG14 states that the council will encourage development which meets the needs of residents with special needs, including students. The Plan explains (paragraph 5.29) that the council will consider student housing in a variety of locations providing there is no loss of

permanent housing, which is the case at the application site, and notes that additional provision could release dwellings elsewhere in the borough in both the public and private rented sectors.

Interim planning guidance 2007

- 8.13. On the Proposals Map of the interim planning guidance 2007, the site is again unallocated except for showing a 'Proposed Cycle Route'.
- 8.14. The 'Key Diagram' of the interim planning guidance provides the overall Spatial Strategy and identifies a 'Higher Education Cluster' focussed on the existing QMUL campus at Mile End.
- 8.15. Core policy CP7 adds that the council will seek to bring investment into the borough, safeguard and enhance the number and range of jobs available to local residents and promote the sustainable creation of 100,000 additional jobs by 2016. In order to help achieve this objective, the guidance supports the improvement and expansion of the higher educational facilities around London Metropolitan University in Aldgate, the Royal London Hospital in Whitechapel and the Queen Mary University Campus in Mile End.
- 8.16. In terms of economic prosperity, the interim planning guidance Core Strategy identifies the borough's educational institutions as integral to enabling local resident's access to jobs and their benefit to the rapid regeneration taking place in the borough.
- 8.17. In terms of designating employment land, the interim guidance adopts The London Plan hierarchy of 'Strategic Industrial Locations' and 'Local Industrial Locations' as the primary means of directing and safeguarding employment land and uses. The application site does not fall under either of these employment designations.
- 8.18. In relation to non-designated employment sites, the interim guidance seeks to:
- a) retain sites for industrial employment where they are well located in relation to road and public transport networks;
 - b) retain sites for office uses where they benefit from high levels of public transport or are in / on the edge of town centres; and
 - c) retain sites where there is current or future demand for employment use.
- Where a site is not viable for an existing employment use the council will seek alternative employment uses to suit the location and the site.
- 8.19. Policy EE2 of the interim guidance states that the redevelopment of existing or former employment sites may be considered appropriate where:
- (i) the applicant has shown the site is unsuitable for continued employment use due to its location, accessibility, size and condition;
 - (ii) there is evidence that there is intensification of alternative employment uses on site;
 - (iii) the retention or creation of new employment and training opportunities which meet the needs of local residents are maximised in any new proposal; and
 - (iv) there is evidence that re-use for similar or alternative employment uses has been explored or there is recent evidence the site is suitable for ongoing employment use.

- 8.20. The former use of the site provided limited opportunities in terms of employment. The applicant estimates that the motor vehicle use provided 20 to 30 jobs whilst the proposed development would result in the provision of 200+ jobs. Specifically, the proposed facility is anticipated to support some 180 jobs including teaching staff and administration along with cleaning, catering, portage, maintenance, and security staff. This represents a significant increase over the former use in compliance with the employment policies of the council's interim planning guidance.
- 8.21. Policy RT6: 'Loss of Public Houses' of the interim guidance allows the loss of public houses provided it can be demonstrated that the loss would not create a shortage of public houses within a distance of 300 metres. Whilst the Fountain public house was last used as a nightclub and the policy may not be entirely relevant, there would be no policy breach, there being other public houses at Nos. 410 and 359 Mile End Road.
- 8.22. With regard to the proposed provision of special needs housing, the interim guidance identifies population growth and housing need as the key drivers to change in the borough. In response, core policy CP24 states that the council will promote special needs and specialist housing by, inter alia, focusing purpose built student housing on the Queen Mary University Campus and in close proximity to the London Metropolitan University at Aldgate. The justification for this policy notes that whilst student accommodation supports the borough's universities, it does not directly contribute to meeting the borough's housing needs and, therefore, is not a preferred use throughout the borough.
- 8.23. In support of higher education is the need to provide sufficient living accommodation for London's significant and diverse student population. However, there is currently an acute shortage of purpose-built accommodation within the capital, resulting in a significant mismatch between demand and supply. At the regional level, there are currently some 250,000 full-time students studying in London. However, only 16% live in purpose-built accommodation, the balance living either at home (16%) or houses in the private rented sector (55%).
- 8.24. There are approximately 20,000 full-time students based at the borough's three higher education institutions. However, less than a quarter currently live within specialist housing, whilst demand surveys indicate that up to 40% of students are seeking purpose-built accommodation. At the local level, there are some 15,000 students at QMUL. However, the campus provides purpose-built accommodation for just 2,112 students; the remainder being forced to find accommodation within the private rented sector or stay at home. The impact of these students taking up accommodation in the private rented sector is a reduction in the general housing stock and, in particular, of larger units which are attractive for multiple-occupation. This is a particular issue for Tower Hamlets which has significant problems of housing shortage, especially family-sized units.
- 8.25. It is considered that the provision of student housing at the application site would address current needs in relation to the shortage of specialist student housing in the borough, whilst reducing pressure on the general housing stock, in accordance with the policies of the council's interim planning guidance outlined above.

Local Development Framework Core Strategy 2025. Proposed Submission
Version September 2009

8.26. In September 2009, following approval by Cabinet, the council published its 'Core Strategy 2025 – proposed submission document for public consultation. The "Vision" for Mile End is:

"A lively and well connected place with a vibrant town centre complemented by the natural qualities offered by the local open spaces."

8.27. The Core Strategy notes that the area will support residential, working and student communities. Queen Mary University of London's role as a knowledge hub will be supported by the uses in and around Mile End town centre and its public transport interchange.

8.28. The Mile End Vision Key Diagram shows the expansion of the Queen Mary University Knowledge Hub to the south side of Mile End Road embracing the current application site. In terms of 'Opportunities and growth,' the document says that Mile End will undergo housing growth, with development on a number of sites, through infill and housing regeneration. The document notes that QMUL is also continuing to grow.

8.29. The Priorities for Mile End include:

- *"To create a mixed-use town centre around Mile End Station to focus retail, leisure, commercial, civic and employment uses along Mile End Road, Grove Road and Burdett Road.*
- *To increase employment opportunities with a focus on encouraging small and medium enterprises in and around the town centre.*
- *To support the expansion of QMUL and associated uses while ensuring good integration with surrounding areas."*

8.30. The Principles for Mile End include:

- *"Development should be sensitive to the setting of open spaces and should improve pedestrian and cycling connectivity to and through these spaces.*
- *Public realm improvements should enhance the pedestrian and cycling experience, while maintaining the vehicle capacity of Mile End Road."*

8.31. In summary, it is considered that in land use terms the redevelopment of the motor vehicle garage and nightclub by teaching facilities and student residential accommodation accords with the land use policies of The London Plan, the Sub Regional Development Framework, the Council's 1998 UDP, the 2007 interim planning guidance and emerging policy in the Local Development Framework Core Strategy.

Amount of development

8.32. The Government's Planning Policy Statement 1: 'Delivering Sustainable Development' 2005 supports making efficient use of land. It advises that this should be achieved through higher density, mixed-use development and returning previously developed land and buildings to beneficial use. This is all as proposed.

- 8.33. The London Plan policies 4B.1 and 3A.3 outline the need for development proposals to achieve the highest possible intensity of use compatible with local context, the design principles of the compact city, and public transport accessibility. Table 3A.2 of The London Plan provides guidelines on residential density in support of policies 4B.1 and 3A.3.
- 8.34. Paragraph 4.105 of The London Plan advises that for commercial developments to fulfil Policy 3A.3, plot ratios should be maximised. Site densities of at least 3:1 generally should be achieved wherever there is, or will be, good public transport accessibility and capacity. The ability for plot ratios to be maximised at any site or area is said to depend on local context, including built form, character, plot sizes and existing or potential public transport, utilities and social infrastructure capacity. The Plan advises that these matters should be assessed when individual proposals are submitted but they are to be used as a tool to assess density consistently, not to provide specific numerical targets. The plot ratio of the proposed development is 2.45:1 which is within the range advocated by The London Plan for areas such as Mile End Road with good public transport accessibility. The suitability of the site for development at a plot ratio of 2.45:1 in terms of and proposed built form and local context is considered below.
- 8.35. Core policy CP20 of the council's interim planning guidance 2007 reflects The London Plan and seeks to maximise residential densities on individual sites, again taking into account local context, site accessibility, housing mix and type, achieving high quality design, well designed homes, maximising resource efficiency, minimising adverse environmental impacts, the capacity of social and physical infrastructure and open spaces, and to ensure the most efficient use of land within the borough.
- 8.36. Policy HSG1 sets out criteria which should be taken into account when determining appropriate residential density. The following matters are relevant to this application:
- *The density range appropriate for the setting of the site, in accordance with Planning Standard 4: Tower Hamlets Density Matrix;*
 - *The local context and character;*
 - *The need to protect and enhance amenity;*
 - *The need to incorporate good design principles;*
 - *Access to a town centre (particularly major or district centres);*
 - *The provision of adequate open space, including private and communal amenity space and public open space;*
 - *The impact on the provision of services and infrastructure, including the cumulative impact; and*
 - *The provision of other (non-residential) uses on a site.*
- 8.37. Table 3A.2 of The London Plan and Planning Standard 4: Tower Hamlets Density Matrix provide a recommended residential density range of 200 – 700 habitable rooms per hectare for “Urban” sites with a PTAL range 4-6. The proposed density of the special needs housing is 1,240 habitable rooms per hectare which exceeds the guidance.
- 8.38. As a matter of principle, it is questionable whether it is appropriate to apply a

residential density calculation to student housing in the same way as a general purpose housing scheme. As agreed by the Committee at its meeting on 23rd September 2009, it is considered that the determining factor in this case is the compatibility of the revised design within the local context. Subject to the design matters outlined in policy HSG1 (above) being satisfactory, the density proposed is considered acceptable for a site along a main arterial route. Such matters are considered below.

Urban design, effect on the setting of listed buildings and the character and appearance of the Regent’s Canal and Clinton Road Conservation Areas

8.39. At paragraph 43 of PPS1 the Government advises:

“Good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.”

8.40. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires the council in exercising its planning functions, to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. In PPG15: ‘Planning and the historic environment,’ the Government says this duty should extend to proposals which are outside a conservation area but would affect its setting or views into or out of the area. In this case, the Regent’s Canal Conservation Area adjoins to the east and the Clinton Road Conservation Area lies east of the canal on the opposite side of Mile End Road.

8.41. Section 66 of the Act places a further duty on the council, in determining whether to grant planning permission for development which affects the setting of a listed building, to have special regard to the desirability of preserving the setting of the listed building.

8.42. Good design is central to The London Plan and is specifically promoted by the policies contained within Chapter 4B. Policy 4B.1 ‘Design principles for a compact city’ sets out a series of overarching design principles for development in London and seeks to ensure that new development maximises site potential, enhances the public realm, provides a mix of uses, are accessible, legible, sustainable, safe, inspire, delight and respect London’s built and natural heritage. Policy 4B.2 seeks to promote world-class high quality design by encouraging contemporary and integrated designs and policy 4B.5 requires development to create an inclusive environment. Policies 4B.10 and 4B.12 require large-scale buildings to be of the highest quality with boroughs required to ensure the protection and enhancement of historic assets.

8.43. Tower Hamlets UDP policy DEV1 requires all development proposals to be sensitive to the character of the area in terms of design, bulk, scale and materials, the development capabilities of the site, to provide for disabled people and include proposal for landscaping.

8.44. Core policy CP4 of the council’s interim planning guidance 2007 refers to ‘Good Design’ and requires that development should:

a) respect its local context, including the character, bulk and scale

of the surrounding area;
b) contribute to the enhancement or creation of local distinctiveness;
c) incorporate sustainable and inclusive design principles;
d) protect amenity, including privacy and access to daylight and sunlight;
e) use high quality architecture and landscape design; and
f) assist in creating a well-connected public realm and environments that are easy to navigate.

- 8.45. Core policy CP49 of the interim planning guidance says that the council will protect and enhance the historic environment including the character and setting of listed buildings, locally listed buildings, and conservation areas.
- 8.46. Development control policy DEV1 of the interim planning guidance 2007 requires development to protect, and where possible improve the amenity of surrounding building occupants and the public realm. Policy DEV2 requires development to take into account and respect the local character and setting of the site including the scale, height, mass, bulk, and form of development, to preserve and enhance the historic environment and use appropriate materials. Policy CON2 says that development which would affect the setting of a conservation area will be granted only where it would preserve the special architectural or historic interest of the conservation area.
- 8.47. At paragraph 2.14 of PPG15, national policy advises that the design of new buildings intended to stand alongside historic buildings needs very careful consideration. In general it is better that old buildings are not set apart but are woven into the fabric of the living and working community. The advice says that this can be done, provided that the new buildings are carefully designed to respect their setting, follow fundamental architectural principles of scale, height, massing, and alignment, and use appropriate materials. It is emphasised that this does not mean that new buildings have to copy their older neighbours in detail but together should form a harmonious group.
- 8.48. The current disused garage, car showroom and open sales lots, with its unattractive use, lengthy, weak street edge, poor front elevation, and overall poor architectural treatment, significantly detract from the quality of the streetscape on Mile End Road. It is considered that this situation would be rectified by the development proposed.
- 8.49. In particular, it is considered that the reduced height now advanced would sit appropriately within the surrounding context, would not have any negative impact in long distance townscape views and would achieve a successful transition in scale along the site's exceptionally long frontage to Mile End Road. The site is within an area containing existing medium and large-scale civic buildings forming part of the Queen Mary College campus. In terms of overall scale and form, it is considered that the proposed building would be acceptable within that context, creating a defining feature at the southern end of the campus.



View of proposed development looking east along Mile End Road

- 8.50. Further, it is now proposed that the building is broken down into seven main volumes which would read as individual but related elements. This would serve to break the development into a series of vertical events. The seven volumes would in turn be separated by lightweight glazed elements which would provide further variety and relief along the length of the site. The central building above the entrance lobby would be further expressed with a light emitting crown. Intermittent lightweight roof top elements would provide further variation to the roofscape.
- 8.51. The seven main volumes would also have their own individual scale and proportion achieved through a variation in height and width. However, the development would be held together by employing a common palette of materials and details which serve to identify the individual volumes as a series of related elements.
- 8.52. The taller block would be located towards the middle of the site and mark the main entrance which sits at the curve in Mile End Road. The double height entrance would provide a focal point to the development, whilst a feature entrance canopy folds up and around to hold the individual elements together. Appendix 1 of this report compares the elevation to Mile End Road of the refused scheme and the current proposal.



Proposed north elevation facing Mile End Road

- 8.53. In summary, it is considered that the change to the height and massing, the introduction of a stepped profile and the modelling of the façades including a variation of materials and fenestration, has resulted in more refined architectural composition. The breaking up of the façade would create a richer ensemble as a group, whilst still retaining its own distinct character. The proposed scheme is considered to have successfully addressed the reasons for the previous refusal and well judged at an appropriate urban scale, with height and design that responds well to its local context on a principal London thoroughfare.

Listed building considerations

- 8.54. It is considered that the development would not be harmful to the setting of the listed buildings in the vicinity. Mile End Road is a crowded urban street, one of the principal thoroughfares into central London. It has developed organically, from largely open countryside in the 17th century, becoming built up from the late 18th century onwards, particularly after the completion of the Regent's Canal. The listed buildings in the grounds of Queen Mary University date from the late 19th and early 20th centuries. The layout of these buildings, the way they address the street, their size, and the form of the Mile End Road as a series of unfolding vistas along its east-west length, means that the proposed development at Nos. 438-490 would not be harmful to their setting. The development site is additionally some distance to their east, which reinforces this opinion, as it allows for an increase in scale without diminishing the listed buildings and ensuring that their settings are preserved. The setting of the 18th Century historic wall of the cemetery of the Spanish and Portuguese Jewish Congregation, which wraps around a QMUL development site at Nos. 331-333 Mile End Road, would also be preserved.
- 8.55. The Grade 2 listed Guardian Angels Roman Catholic Church and Presbytery, No. 377 Mile End Road, lies east of the Regent's Canal, 117 metres from the application site. The setting of these buildings would be unaffected.

- 8.56. The setting of the locally listed buildings at No. 357 Mile End Road (34 metres north east of the site) and the terrace Nos. 359 to 373 Mile End Road (also east of the canal) is not covered by any specific policy and the impact of the proposals on these buildings is assessed below where impact on the two conservation areas is considered.

Conservation area considerations

- 8.57. The Regent's Canal Conservation Area runs through both a riparian environment formed at this point by Mile End Park but is also part of a wider built up urban environment. The purpose of designating the conservation area (Cabinet 8th October 2008) is to protect the special character of the banks of the Regent's Canal and specific historic canal features such as the locks and the towpath, that are recognised as part of the cherished familiar local scene. The proposed development would have very limited impact on the character and appearance of the designated area, as the higher bulk would be set some distance from the canal.
- 8.58. The development would be stepped away from the two storey houses on Grand Walk, which provides the immediate setting of the canal at this location. It is not considered that a building visible from the canal at this point would be harmful to either the character or appearance of the conservation area, both of which would be preserved. Indeed, there may be benefits to orientation, way-finding and local distinctiveness by the formation of a suitably designed building forming a 'punctuation point' close to where Mile End Road crosses the canal.
- 8.59. The character of the Clinton Road Conservation Area is defined by two distinct townscapes. First, Clinton Road is lined by residential terraces of two storeys. Built around the 1870s, the terraces are survivors of the type of dwellinghouses that were cleared to create Mile End Park. Second, in contrast, the Mile End Road frontage is varied, consisting of early 19th century Georgian style terraces between Nos. 359 and 373 Mile End Road. This locally listed terrace, constructed of stock brick, was originally dwellinghouses. The ground level shop fronts were later integrated, with residential floors remaining above. Within the locally listed terrace is an Italianate building of the mid-late 19th century at No. 373 Mile End Road built of yellow stock brick with stucco dressings and a slate roof. In terms of views and silhouettes, the Guardian Angels Church has the most significant presence in the conservation area. Mostly lying some distance east of the development site, on the opposite side of Mile End Road, and separated from the site by the Regent's Canal, it is considered that both the character and appearance of the conservation area would be preserved.
- 8.60. It is not considered that the development would cause any visual or environmental harm to Mile End Park. A taller edge set back from the park could be seen as an advantage in terms of place making and orientation as explained above.
- 8.61. Overall, it is considered that the revised development would accord with the national, metropolitan, and local planning policies outlined above and result in a building that would respect its context, reinstating a badly fragmented townscape.

High Street 2012

- 8.62. Mile End Road is part of the proposed 'High Street 2012' Olympic Boulevard leading to the Olympic Park. The Vision for High Street 2012 is to:

"Create a world class and thriving 'High Street', where there is a balance between pedestrian and road uses, where people and places are connected, where locals, visitors, and tourists want to be, and where there is sense of well being, community, and history."

- 8.63. It is considered that the proposed redevelopment would accord with the Vision and objectives for High Street 2012 as follows:

- *To create a high street with shared use, differently paced environments, distinct identity streets, and destinations that is dignified, clean, and attractive.*

(Officer comment: The new building would contribute positively to the objective to create a well used high street. In particular, it would help to form a memorable, distinct, busy destination of character and fit with the intention to provide active landscapes).

- *To create a connected street which supports natural flows, provides a legible streetscape and is safer.*

(Officer comment: The new building would play a significant role in re-establishing a street pattern that has been badly eroded by the former car dealership building and its associated open parking lots. The building would act as a better way-finding asset in connection with the Regent's Canal and Mile End Park and would provide surveillance of the road. It would also create a healthier, greener street).

- *To celebrate the street through enhancing historic spaces.*

(Officer comment: The new building would provide a much better setting for the People's Palace and Queen's building at the Queen Mary University of London campus than the current badly fragmented car dealership site with associated open parking lots).

Amenity of adjoining premises

Daylight

- 8.64. Tower Hamlets' Unitary Development Plan 1998 policy DEV 2 states:

"...all development should seek to ensure that adjoining buildings are not adversely affected by a material deterioration of their daylighting and sunlighting conditions..."

- 8.65. Interim planning guidance policy DEV1 requires development not to result in a material deterioration of the sunlighting and daylighting conditions of surrounding habitable rooms.

- 8.66. For further guidance UDP policy DEV1 refers to the BRE Report: 'Site layout planning for daylight and sunlight – A guide to good practice.' The guidelines contain tests for daylight, sunlight and overshadowing, starting with

trigonometric tests followed by tests which measure the actual amount of daylight striking the face of a window (Vertical Sky Component) and internal Daylight Distribution by plotting the position of a “no sky line” contour within the room being tested.

- 8.67. The Vertical Sky Component is a “spot” measurement of direct daylight availability from an unobstructed sky. The target design standard for low density suburban housing is 27% VSC. It is recognised that in a dense urban environment such as Mile End, existing VSC values may be below 27%. In such circumstances, it is permissible to reduce the existing value of daylight (or sunlight) by a factor of 0.2 (20%) and still satisfy the Guidelines. Reductions beyond that level are deemed to be noticeable.
- 8.68. The VSC tests should be followed by the calculation of internal Daylight Distribution within each of the rooms by plotting the “no sky line” contour. As a check measurement, Average Daylight Factor can also be used.
- 8.69. The neighbouring buildings that fall within the BRE requirements for testing are:
- Nos. 13 to 22 Grand Walk and,
 - Nos. 12 to 20 Canal Close.
- 8.70. Analysis shows that all except one of the windows in the neighbouring dwellings fully satisfy the BRE VSC tests by either achieving more than 27% VSC or experience a loss of less than 20%. The window that does not fully satisfy the BRE standards is at 21 Grand Walk. The amount by which this window exceeds the permissible 20% margin is very small with a reduction of only 21.62% with an actual VSC of 24.25% which is a very marginal failure. Given the urban location, the daylight incident on the face of this window would continue to be very good and considerably better than the majority of comparable properties in the borough.
- 8.71. The results of the Daylight Distribution analysis show that with one exception, all the habitable rooms of the houses in Grand Walk and Canal Close would comfortably satisfy the BRE Guidelines. The exception is a 1st floor room at 12 Canal Close where there would be a loss of internal distribution of 23.4%, again a marginal failure.
- 8.72. The results of the “check” Average Daylight Factor (ADF) measurements show that the internal lighting conditions for all habitable rooms in Grand Walk and Canal Close would satisfy the ADF standards taken from the BRE Guidelines and the British Standard Code of Practice for Daylighting BS8206.

Sunlight

- 8.73. The BRE sunlight criteria only apply to windows that face within 90° of due south. The windows in Nos. 12 to 20 Canal Close which have a direct outlook over the site face north-north-west. As they do not face within 90 degrees of due south, they do not fall within the BRE sunlight criteria. The rear facing rooms in Nos. 13-22 Grand Walk face south-west and fall within the BRE testing criteria. Of those rooms, four glazed doors in Nos. 13, 20, 21, and 22 Grand Walk would exceed the permitted levels of reduction but all four doors serve rooms that also have a primary window which each satisfy the BRE sunlight standards.

Overshadowing

- 8.74. The rear gardens of Nos. 16 to 22 Grand Walk fall within the BRE overshadowing criteria which measure the permanent overshadowing of gardens. In view of the western orientation of the gardens, it is evident that the gardens will have unobstructed sunlight from the south in the mid and late afternoon and there would be no additional permanent overshadowing. The rear gardens of Nos. 12 to 20 Canal Close face due south and would be unaffected by the development.

Privacy

- 8.75. The eastern end of the northern wing of the proposed building (used as teaching accommodation) would be sited 18 metres from the closest house on Grand Walk. Due to the orientation of the building, only oblique views would be possible towards Grand Walk. The central part of the proposed building (which would also be as teaching accommodation) would have windows 23.3 metres from the rear of the houses on Grand Walk. To ensure adequate privacy, the minimum separation distance between habitable rooms provided by the Tower Hamlets UDP 1998 is 18 metres. It is considered that the 23.5 metre separation proposed would ensure that the dwellings on Grand Walk would have their privacy adequately maintained. The eastern flank wall of the southern wing of the development would only be provided with a single window serving a corridor at 1st and 2nd floor levels, 25 metres from the rear of the houses on Grand Walk.
- 8.76. At its closest, the southern wing of the development would be 18.5 metres from the houses on Canal Close, which again complies with the UDP recommendation. Moreover, to increase the privacy of the houses on Canal Close, and also to obviate possible overlooking arising from potential future development on the council's depot site, angled oriel windows would be provided on the south façade.
- 8.77. In response to concerns from adjoining residents regarding overlooking and disturbance from roof terraces, a landscaped terrace previously proposed on the roof of the 4th floor of the northern wing has been deleted from the current proposal. The sole roof terrace now proposed would be on the 4th floor roof of the southern wing adjacent to the Toby Lane depot. At its closest, the terrace would be 23 metres from the nearest house on Canal Close. To maintain the privacy of the dwellings on Canal Close and Grand Walk, together with the development potential of the Toby Lane depot, the terrace would be fitted with 1.8 metre high obscured glass balustrades. A condition is recommended to secure this arrangement and also to ensure that the terrace (and communal gardens) shall not be used for amenity purposes outside the hours of 8.00 am to 10.00 pm on any day.
- 8.78. Proposed 'Sky Gardens' would be enclosed amenity spaces at 3rd, 5th and 7th floor levels on the southern part of the western building adjoining the Toby Lane depot and would have no impact on the houses at Grand Walk, Canal Close and Union Drive.

Access and servicing arrangements

- 8.79. The site has a good level of access to sustainable modes of transport. Mile End Station on the Central and District Lines of the Underground Railway lies 250 metres to the east. Bus routes 25 and 208 serve Mile End Road. There are a

further five bus routes serving the Mile End area - Nos. 229, D6, D7, 425 and 277. The site has a Public Transport Accessibility Level of between 5 and 6a.

- 8.80. The development would be beneficial to conditions on the local highway network as a net reduction of 48 and 54 two-way vehicular trips is forecast in the AM and PM peaks respectively. The proposals also include the removal of three vehicle crossovers on to Mile End Road which would reduce road user conflict. The overall effect of the development on the surrounding highway infrastructure has been assessed with the conclusion that there would be a minor improvement in conditions.
- 8.81. Given the good level of access to sustainable modes of transport, only two car parking spaces for disabled people are proposed and the developer has agreed that the scheme should be designated 'car-free' with users of the building (other than disabled people) prohibited from purchasing on-street parking permits from the borough council.
- 8.82. Cycle parking would be provided in excess of 1 space per two units of student housing which would accord with standards. There would also be visitor bicycle stands adjacent to the main entrance points on Mile End Road.
- 8.83. Servicing for the teaching and cafe uses would be from the existing loading bay on the north east corner of the development on Mile End Road. The student accommodation would be serviced at the south west corner of the development from Toby Lane via the existing access that served the Fountain public house. This would be limited to bi-weekly waste collections. There would be just two parking spaces for disabled people at this location, together with three motor cycle spaces and a space for a contractors light goods vehicle to allow for the inspection, maintenance, and repair of the mechanical, electrical and fire safety apparatus within the building. Traffic generation onto Toby Lane, which carries traffic to the Council's Toby Lane depot, would therefore be low.
- 8.84. Transport for London and the Council's Traffic and Transportation Department raise no objections to the proposed transport arrangements, subject to the implementation of travel plans. Overall, access and servicing arrangements are considered satisfactory and policy compliant. As part of recommended section 106 arrangements, the developer has agreed to submit and implement a residential travel plan, a delivery service plan and a construction logistics plan.

Amenity space and landscaping

- 8.85. The proposals include a comprehensive landscaping scheme around the perimeter of the building, along Mile End Road and along the eastern perimeter of the site. The latter would create a green buffer between the student housing and the neighbouring houses on Grand Walk. As mentioned, there would be a landscaped roof terrace atop the 4th floor roof of the eastern part of the development. Green roofs would be provided wherever possible.
- 8.86. A feature of the proposal is 'Sky Gardens' which would provide a series of semi-external spaces for students to use as communal break-out areas. These spaces would be arranged as a stack within the western building and are expressed on the elevation as a double-height design feature. In total, the proposal provides 1,220 sq m of amenity space as follows:

- A Roof terrace = 92 sq m

- Enclosed 'Sky gardens' = 140 sq m
- Communal gardens = 988 sq m

8.87. It is considered that the landscaping proposals would comply with UDP policy DEV12 – 'Landscaping and trees'. The details are not complete and it is recommended that any planning permission is conditioned to require the approval and implementation of a detailed landscaping scheme to include details of the proposed green roofs.

Sustainable development / renewable energy

8.88. The design adopts a number of 'passive' design measures, including: a well insulated façade; airtight construction; heat recovery ventilation; thermal mass techniques to reduce heating and cooling requirements; centralised heating and cooling; energy efficient lighting; and low (hot) water shower heads and taps. The energy supply would consist of communal combined heat and power (CHP) to provide the electrical and heating base load for the development. Communal heating and hot water would be provided for the whole development with a Ground Source Heat Pump system to provide heating and cooling in conjunction with the CHP unit.

8.89. The development would provide an overall reduction in CO2 emissions of 37% when compared with a comparable baseline building and the Greater London Authority and the Council's Energy Officer are content that the proposed energy strategy complies with policies 4A.1 to 4A.9 of The London Plan, policies CP38, DEV5 to DEV9 of the council's interim planning guidance and national advice in PPS22: 'Renewable Energy'. As requested by the GLA, conditions are recommended to ensure the submitted details are implemented.

Air Quality

8.90. London Plan policy 4A.19 and policy DEV11 of the council's interim planning guidance require the potential impact of a development on air quality to be considered. Interim planning guidance policy DEV12 requires that air and dust management is considered during demolition and construction work.

8.91. The application is accompanied by an Air Quality Assessment which concludes that the impact of the development itself on local air quality is unlikely to be significant. The potential effects of dust generated during the construction phase of the development have been assessed qualitatively. The qualitative assessment shows that although dust is expected to occur from site activities, but this would have no more than a short-term moderate impact on the surrounding environment. This impact can be reduced by the use of appropriate mitigation measures, including the implementation of a Construction Management Plan as recommended, which would ensure that dust suppression measures are implemented.

8.92. There are no industrial processes proposed that would have a significant impact on air quality or give rise to odours at the site. The development itself will not give rise to any measurable deterioration in air quality and being virtually 'car-free' would ensure that the scheme would not have any adverse impacts. It is therefore concluded that provided suitable mitigation measures are employed during construction, the development would comply with relevant air quality policies.

Planning obligations

8.93. Planning obligations can be used in three ways:-

- (i) To prescribe the nature of the development to ensure it is suitable on planning grounds. For example, by requiring a given proportion of housing is affordable;
- (ii) To require a contribution to compensate against loss or damage that will result from a development. For example, loss of open space;
- (iii) To mitigate the impact of a development. For example, through increased public transport provision.

8.94. Planning obligations should only be sought where they meet the 5 key tests outlined by the Secretary of State in Circular 05/2005. Obligations must be:

- (i) relevant to planning;
- (ii) necessary to make the proposed development acceptable in planning terms;
- (iii) directly related to the proposed development;
- (iv) fairly and reasonably related in scale and kind to the proposed development; and
- (v) reasonable in all other respects.

8.95. Policy DEV 4 of the Tower Hamlets UDP 1998 and policy IMP1 of the council's interim planning guidance 2007 state that the council will seek planning obligations or financial contributions to mitigate the impacts of a development. Paragraph 3.53 of The London Plan advises that where a housing development is solely for student housing, it would not be appropriate for the borough to seek social rent or intermediate housing provision through a planning obligation.

8.96. The applicant has offered that the following matters be included in a section 106 agreement with the council.

14. The student residential accommodation shall only be occupied for the predominant part of the year by students attending the INTO education facility, Queen Mary University of London, or from a list of other further educational establishments that has been approved by the local planning authority.

15. In perpetuity; no part of the student residential accommodation shall be used as a Use Class C3 dwellinghouse.

16. A financial contribution of £620,000 towards environmental improvements within the Mile End Intersection Area Study of the High Street 2012 project as follows:

Works to the footway between Harford Street and Grand Walk.	£245,000
Re- landscaping the public open space to the east of the development.	£200,000
Enhanced access to Mile End Park and the Regent's Canal and enhanced connection between Mile End Park and the Regent's Canal.	£155,000
Accent lighting to "heritage" buildings at the end of Grove Road.	£20,000

17. A £20,000 contribution to Transport for London to enhance the

- pedestrian crossing on Mile End Road.
18. A contribution of £100,000 towards local community education initiatives and cultural facilities.
 19. A contribution of £20,000 towards local employment and training initiatives (Fastlane).
 20. Arrangements that provide for the teaching facility within the development to be made accessible to the local community for up to 20 hours a month.
 21. Car free arrangements that prohibit residents and users of the development, other than disabled people, from purchasing on-street parking permits from the borough council.
 22. The submission and implementation of a Travel Plan comprising a Workplace and Residential Travel Plan, a Service Management Plan and a Construction Logistics & Management Plan.
 23. To participate in the Council's Access to Employment and / or Skillsmatch programmes.
 24. To participate in the Considerate Contractor Protocol.

8.97. The applicant has explained:

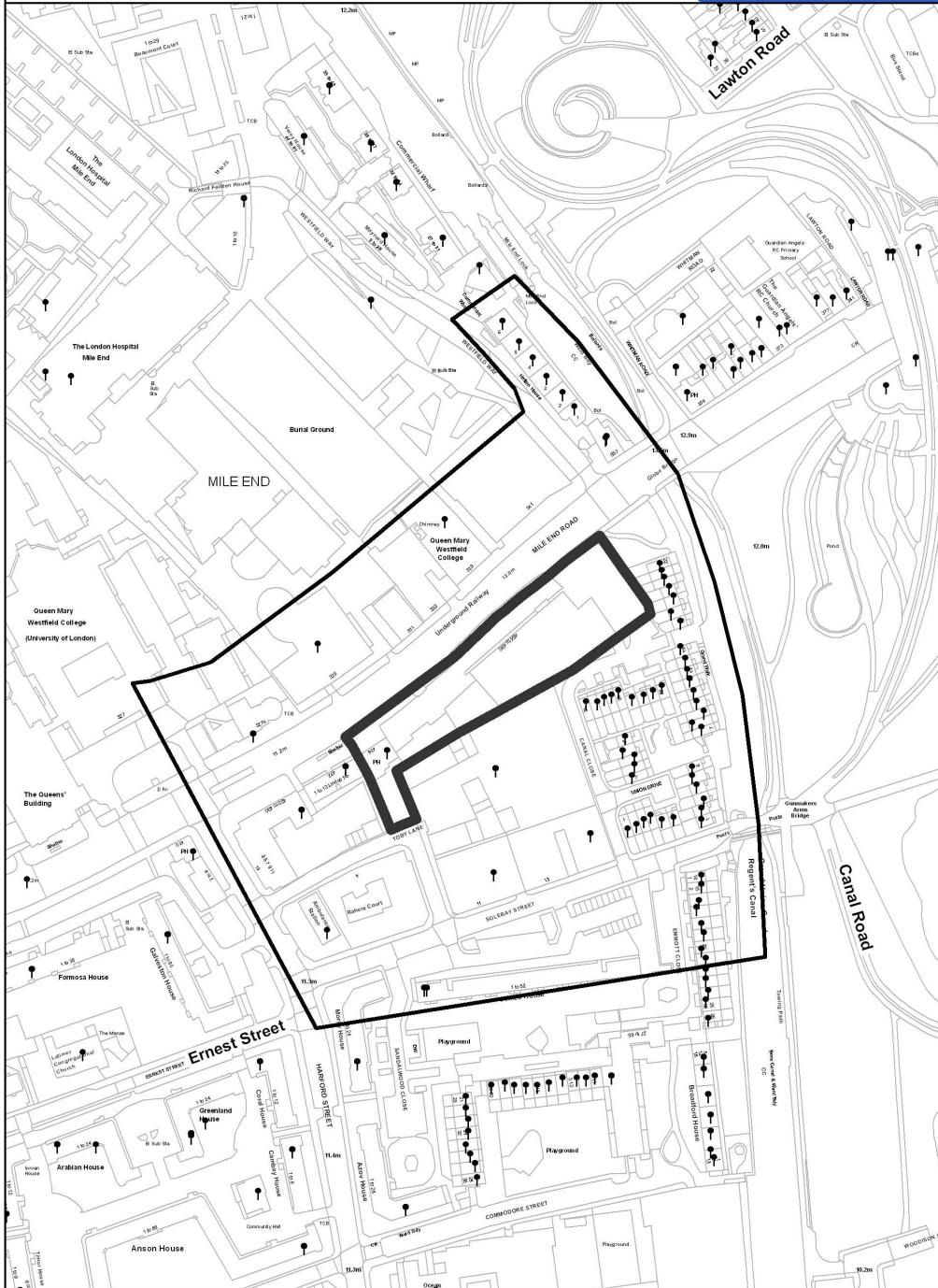
- The £100,000 contribution towards local community education initiatives and cultural facilities' (Head 5) has arisen out of discussions with the local community and a desire to see the proposal support local community initiatives. The intention is for this money to be paid to the 'Stepney Shahjalal Mosque and Cultural Centre' who run a range of education and cultural programmes for people living on the Ocean Estate.
- Fastlane is a program designed to help train and prepare graduates in their transition from education into employment. QMUL have been providing sponsorship for 'Fastlane' courses and the intention of Head 6 is for the project to provide a one off sum to the value of £20,000 for bursaries for local people to access the Fastlane courses.
- The use of the Teaching Facility by the local community (Head 7) has arisen from local consultation and responds to comments about local people currently not deriving much benefit from the fact there is a major education institution in their community. Discussions with the community indicate that there are local education-based initiatives that would welcome the opportunity to be given classroom time to run their courses from.



8.98. In accordance with UDP policy DEV 4 of and policy IMP1 of the interim planning guidance, it is considered that the inclusion of the above matters in a section 106 agreement, together with the recommended conditions, would mitigate the impacts of the development and comply with national advice in Circular 05/2005.


9. CONCLUSION

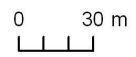
9.1. All relevant policies and considerations have been taken into account. It is considered that the revisions made to the scheme overcome the Committee's refusal reasons of 23rd September 2009. Planning permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decisions are set out in the RECOMMENDATIONS at the beginning of this report.

Planning Application Site Map



-  Planning Application Site Boundary
-  Consultation Area

 Land Parcel Address



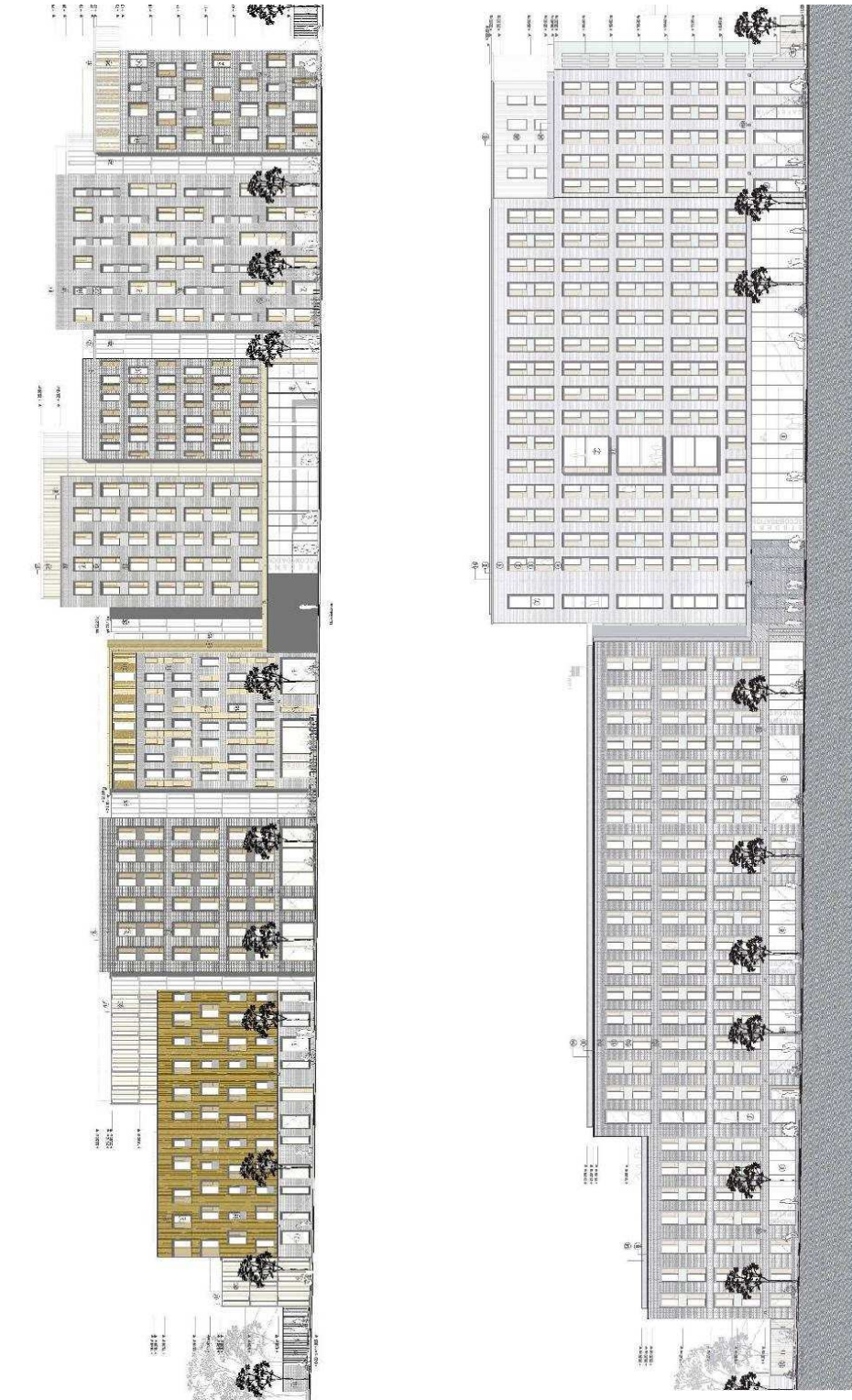
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This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. The Site Map was reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationary Office (c) Crown Copyright. London Borough of Tower Hamlets LA100019288

Appendix 1

438-490 Mile End Road

Current (top) and refused (bottom) elevations to Mile End Road



**UPDATE REPORT CONSIDERED BY THE STRATEGIC DEVELOPMENT
COMMITTEE ON 15 DECEMBER 2009**

Agenda Item number:	7.4
Reference number:	PA/09/1916
Location:	438-490 Mile End Road, E1
Proposal:	Demolition of existing structures and erection of a new building ranging from 3 to 9 storeys to provide a new education facility comprising teaching accommodation and associated facilities, student housing, cycle and car-parking, refuse and recycling facilities.

1. CORRECTION – LOCAL REPRESENTATION

- 1.1 The total number of letters received in support of the proposal (paragraph 7.1 page 156) is 23 not 25.

2. Recommended section 106 agreement

- 2.1. With regard to the Heads of Terms of the recommended legal agreement, set out at paragraph 3.1 B (page 138) of the Committee Report; following further consultation with the local community, the applicant has proposed the following alterations and additions to the proposed obligations.
- 2.2. In respect of Head 5 - Contribution towards local community education initiatives and cultural facilities, the applicant has offered to increase the contribution from £100,000 to £140,000 and has indicated that they wish to support a range of local groups. Officers are content that the contribution to local community and education facilities could be increased but consider it inappropriate for the council to commit to allocating money to specific groups at this stage.
- 2.3. A letter has been received from the Stepney Shahjalal Mosque and Cultural Centre advising that there has been no consultation or agreement between the Mosque and the applicant in regard to section 106 funding, and requesting that, should planning permission be granted, the Committee is requested to ensure that the Mosque receives a contribution.
- 2.4. Officers are content that the contribution to local community and education facilities could be increased but consider it inappropriate for the council to commit to allocating money to specific groups at this stage. The applicant has also confirmed that they have made no commitments to the allocation of money to specific groups and consider that this matter should be left to the council.
- 2.5. In respect of Head 7 - Arrangements that provide for the teaching facility within the development to be made accessible to the local community for up to 20 hours a month; the applicant has confirmed that they have been in discussion with local community groups regarding use of the teaching space, and now offered to make available the use of a teaching room within the facility for 25 hours per week (i.e. increased from the previously proposed 20

hours per month). Officers are content with this clarification and the suggested increased availability of space for the local community.

- 2.6. The applicant has also proposed an additional Head requiring the developer to use reasonable endeavors to recruit all non-teaching staff from within the local community. Officers are content that this obligation would help mitigate the impact of the development within the local community.

3. RECOMMENDATION

- 3.1. It is recommended that the Committee resolves to GRANT planning permission subject to inter alia the prior completion of a legal agreement under section 106 of the Act, to the satisfaction of the Chief Legal Officer, to secure the following obligations:

1. The student residential accommodation shall only be occupied for the predominant part of the year by students attending the INTO education facility, Queen Mary University of London, or from a list of other further educational establishments that has been approved by the local planning authority.
2. In perpetuity; no part of the student residential accommodation shall be used as a Use Class C3 dwellinghouse.
3. A financial contribution of £620,000 towards environmental improvements within the Mile End Intersection Area Study of the High Street 2012 project as follows:

Works to the footway between Harford Street and Grand Walk.	£245,000
Re- landscaping the public open space to the east of the development.	£200,000
Enhanced access to Mile End Park and the Regent's Canal and enhanced connection between Mile End Park and the Regent's Canal.	£155,000
Accent lighting to "heritage" buildings at the end of Grove Road.	£ 20,000

4. A £20,000 contribution to Transport for London to enhance the pedestrian crossing on Mile End Road.
5. A contribution of £140,000 towards local community education initiatives and cultural facilities.
6. A contribution of £20,000 towards local employment and training initiatives (Fastlane).
7. A teaching room within the education facility to be made accessible to the local community for 25 hours per week.
8. The developer to use reasonable endeavors to recruit all non-teaching staff from within the local community.
9. Car free arrangements that prohibit residents and users of the development, other than disabled people, from purchasing on-street parking permits from the borough council.
10. The submission and implementation of a Travel Plan comprising a Workplace and Residential Travel Plan, a Service Management Plan and a Construction Logistics & Management Plan.
11. To participate in the Council's Access to Employment and / or Skillsmatch programmes.
12. To participate in the Considerate Contractor Protocol.

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Agenda Item 7.2

Committee: Strategic Development	Date: 14 th April 2011	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director of Development and Renewal		Title: Application for planning permission	
Case Officer: Elaine Bailey		Ref: PA/10/02764 & PA/10/02765	
		Ward: Spitalfields and Banglatown	

1. APPLICATION DETAILS

Location: Land bounded by Norton Folgate, Fleur De Lis Street, Blossom Street, Folgate Street, Norton Folgate, London

Existing use: Office, shops, café, public house, motor transport depot (vacant) and builders merchant warehousing space (vacant)

Proposal:

PA/10/02764 – application for Full Planning Permission

Redevelopment of the former Nicholls and Clarke site and adjoining depot site, for commercially led mixed use purposes, comprising buildings between 4 and 9 storeys in height 48.40m AOD (plus plant), to provide approximately 17,705sqm of B1 (Office); approximately 1,903sqm of A1 (Retail) and A3 (Restaurant); approximately 762sqm of A4 (Public House) and 8 no. residential units (comprising 5 x 1-beds, 1 x 2-bed, 2 x 3-beds) together with the recreation of a new public space (Blossom Place); provision of new access to Blossom Place; highway works and public realm improvements to Shoreditch High Street and Blossom Street and provision of managed off-street servicing and parking facilities.

PA/10/02765 – Conservation Area Consent application

Conservation Area Consent for the demolition of No. 13 and No. 20 Norton Folgate, No. 2-9 Shoreditch High Street, No.16-17 and No.10 Blossom Street; partial demolition, refurbishment and conservation repair of 16-19 Norton Folgate, 5 -11a Folgate Street and 12-15 Blossom Street; and reconstruction (including façade retention) of 14-15 Norton Folgate to enable the redevelopment of the former Nicholls and Clarke site and adjoining depot site for commercially led mixed use purposes in association with planning application ref: PA/10/02764).

Drawing Nos:

1006-P-SIT; 10006-P-X-GAX-LG; 10006-P-X-GAX-01; 10006-P-X-GAX-02; 10006-P-X-GAX-03; 10006-P-X-ELX-01; 10006-P-X-DGA-LG-A; 10006-P-X-DGA-00; 10006-P-X-DGA-01; 10006-P-X-DGA-02; 10006-P-X-DGA-03; 10006-P-X-GA-LG; 10006-P-X-GA-00-A; 10006-P-X-GA-01; 10006-P-X-GA-02; 10006-P-X-GA-03; 10006-P-X-GA-04; 10006-P-X-GA-05; 10006-P-X-GA-06; 10006-P-X-GA-07; 10006-P-X-GA-08; 10006-P-X-GA-10; 10006-P-X-GA-00; 10006-P-C-GA-00; 10006-P-X-EL-01-A; 10006-P-X-

EL-02-A; 10006-P-X-EL-03-A; 10006-P-X-EL-04; 10006-P-X-EL-05; 10006-P-X-SE-01-B; 10006-P-X-SE-02-B; 10006-P-X-RE-01; 10006-P-X-RE-02; 10006-P-X-RE-03; 10006-P-X-RE-04; 10006-P-SK-002

- Documents:**
- Planning Statement
 - Design and Access Statement
 - Transport Statement
 - Heritage Statement
 - Townscape Heritage and Visual Impact Statement
 - Statement of Community Involvement
 - Energy Efficiency Statement
 - Sustainability Statement
 - Daylight/Sunlight Assessment
 - Noise and Vibration Impact Statement
 - Wind Assessment
 - Ventilation/Extract Statement
 - Air Quality Assessment
 - Utilities Report
 - Viability Assessment (submitted under separate cover)

Applicant: Mayor and Commonality and Citizens of the City of London.

Owners: City of London and various others

Historic buildings: Locally Listed Building

Conservation areas: Elder Street Conservation Area

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1. The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan (1998), the Council's Interim Planning Guidance (2007), Adopted Core Strategy (2010), associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:

With regard to the Conservation Area Consent:

- The demolition of No. 13 and No. 20 Norton Folgate, No. 2-9 Shoreditch High Street, No. 16-17 Blossom Street and No.10 Blossom Street is considered acceptable because these buildings are not considered to contribute positively to the character and appearance of the Elder Street Conservation Area. As such, their demolition is considered to meet the objectives of saved policy DEV28 of the Unitary Development Plan (1998) as well as policy CON2 of the Council's Interim Policy Guidance (2007) and policy SP10 of the Core Strategy (2010) plus the advice set out in Planning Policy Statement 5: Planning for the Historic Environment, which seek to ensure appropriate demolition of buildings in Conservation Areas.
- The partial demolition/refurbishment and general conservation repair work proposed to 16-19 Norton Folgate, 5 -11a Folgate Street and 12-15 Blossom Street and 14-15 Norton Folgate is considered acceptable as these works will

both preserve and enhance the character and appearance of these buildings and the conservation area in accordance with saved policy DEV28 of the Unitary Development Plan (1998) as well as policy CON2 of the Council's Interim Policy Guidance (2007) and policy SP10 of the Core Strategy (2010) plus the advice set out in Planning Policy Statement 5: Planning for the Historic Environment, which seek to ensure appropriate demolition of buildings in Conservation Areas.

With regard to the Planning Application:

- The scheme will provide an employment-led mixed used residential scheme which safeguards the use of the site as a preferred office location within the Central Activities Zone and the City Fringe and would also facilitate locally-based employment, training and local labour opportunities for the local community and residents of Tower Hamlets in accordance with policies 3B.1, 3B.2, 3B.3 and 3B.11 of the London Plan (consolidated with alterations since 2004), saved policies CAZ1, DEV3, EMP1, EMP6, EMP 7 and EMP8 of the Council's Unitary Development Plan (1998), policy EE2 of the Interim Planning Guidance (2007) and policies SP01 and SP06 of the Core Strategy (2010) and the IPG City Fringe Action Area Plan (2007) which seek to support the employment growth in key strategic locations, and the growth of existing and future businesses in accessible and appropriate locations.
- The building height, scale, bulk and design is acceptable and in line with regional and local criteria for tall buildings. As such, the scheme accords with policies 4B.8, 4B.9 and 4B.10 of the London Plan (consolidated with alterations since 2004), saved policies DEV1, and DEV2 of the Council's Unitary Development Plan (1998), policies DEV1, DEV2, DEV3, DEV27 of the Council's Interim Planning Guidance (2007) and policy SP10 of the Core Strategy Development Plan Document (2010) which seek to ensure buildings and places are of a high quality of design and suitably located.
- The scheme will preserve and enhance the character and appearance of the of the Elder Street Conservation Area and provide a range of conservation and design benefits. As such, the scheme accords with policies 4B.11 – 4B.13 of the London Plan (consolidated with alterations since 2004), saved policy DEV 28 of the Council's Unitary Development Plan (1998), policy CON2 of the Council's Interim Planning Guidance (October 2007) and policy SP10 of the Core Strategy Development Plan Document (2010), along side the advice set out in Planning Policy Statement 5: Planning for the Historic Environment which seek to protect London's built heritage and preserve or enhance the character and appearance of conservations area.
- The proposal provides an acceptable mix of units in line with policies 3A.5 and 3A.6 of the London Plan (consolidated with alterations since 2004), saved policy HSG7 of the Council's Unitary Development Plan (1998), policy HSG2 of the Council's Interim Planning Guidance (2007) and policy SP02 of the Core Strategy Development Plan Document (2010) which seek to ensure that new developments offer a range of housing choices.
- The scheme provides acceptable internal space standards and layout. As such, the scheme is in line with policy 3A.3 of the London Plan (consolidated with alterations since 2004) and saved policies DEV1 and DEV2 of the Council's Unitary Development Plan (1998), policies DEV1, DEV2 of Council's

Interim Planning Guidance (2007) and policy SP02 of the Core Strategy Development Plan Document (2010) which seek to provide an acceptable standard of accommodation.

- The proposed amount of private amenity space is acceptable and in line with saved policy HSG16 of the Council's Unitary Development Plan (1998), policy HSG7 of the Council's Interim Planning Guidance (2007) and policy SP02 of the Core Strategy Development Plan Document (2010), which seek to improve amenity and liveability for residents.
- The development would form a positive addition to London's skyline, without causing detriment to local or long distant views, in accordance policies 4B.1, 4B.8, 4B.9 and 4B.10 of the London Plan (consolidated with alterations since 2004), policy DEV27 of the Interim Planning Guidance (2007) and policy SP10 of the Core Strategy Development Plan Document (2010) which seek to ensure tall buildings are appropriately located and of a high standard of design whilst also seeking to protect and enhance regional and locally important views.
- The impact of the development on the amenity of neighbours in terms of loss of light, overshadowing, loss of privacy or increased sense of enclosure and noise is acceptable given the general compliance with relevant BRE Guidance and the urban context of the development. As such, it accords with saved policies DEV1 and DEV2 of the Council's Unitary Development Plan (1998), policies DEV1 and DEV2 of Council's Interim Planning Guidance (2007) and policies SP02 and SP10 of the Council's Core Strategy (2010) which seek to ensure development does not have an adverse impact on neighbouring amenity.
- Transport matters, including parking, access and servicing, are acceptable and in line with London Plan policies 3C.1, 3C.3, 3C.17 and 3C.23 of the London Plan (consolidated with alterations since 2004), saved policies T16, T18 and T19 of the Council's Unitary Development Plan (1998), policies DEV17, DEV18 and DEV19 of the Council's Interim Planning Guidance (October 2007) and policy SP08 and SP09 of the Core Strategy Development Plan Document (2010) which seek to ensure developments minimise parking and promote sustainable transport options.
- Sustainability matters, including energy and climate change adaptability are acceptable and in line with policies 4A.4, 4A.6, 4A.7, 4A.14 and 4B.2 of the London Plan (consolidated with alterations since 2004), policies DEV5 to DEV9 of the Council's Interim Planning Guidance (2007) and policies SP04, SP05 and SP11 of the of the Core Strategy Development Plan Document (2010), which seek to promote sustainable development practices and energy efficiency.
- Contributions have been secured towards the provision of *Crossrail, heritage asset/conservation area improvements; public realm and street scene improvements; employment; training and access to employment for local people in line with Regulation 122 of Community Infrastructure Levy (2010); Government Circular 05/05; saved policy DEV4 of the Council's Unitary Development Plan (1998); policy IMP1 of the Council's Interim Planning Guidance (2007); and policy S03 and SP13 of the Core Strategy (2010), which seek to secure contributions toward infrastructure and services required to

facilitate and mitigate against the proposed development.

** At the time of writing this report, the applicant is currently negotiating Crossrail contribution with TfL and the out come of these negotiations will be outlined in an addendum report.*

3. RECOMMENDATION

3.1 That the Committee resolve to GRANT planning permission and Conservation Area Consent, subject to:

- A. Any direction by The Mayor;
- B. The prior completion of a legal agreement to secure the following planning obligations:

Financial Contributions

- Contribution of £108,840 towards Enterprise and Employment;
- Contribution of £270,000 towards Environmental Improvements and Public Art in Elder Street Conservation Area;
- Contributions of £300,000 towards Public Realm/Street Scene Improvements for Pedestrians and Cyclists

Non-Financial Obligations:

- Recording, display and interpretation of archaeological finds in a publicly accessible location within the site;
- Right of way walking agreement for crossing through the proposed site across all areas of new public realm created by the proposal;
- Travel plan preparation and implementation;
- Travel plan co-ordinator for implementation and monitoring;
- Car free agreement;
- TV reception monitoring and mitigation;
- Local labour construction and Skillsmatch

That the Corporate Director Development & Renewal is delegated authority to negotiate the legal agreement indicated above.

That the Corporate Director Development & Renewal is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

Conditions – Full Planning Permission:

1. Permission valid for 3 years;
2. Development in accordance with approved plans;
3. Details of all external materials;
4. Plans showing redesign of arches above rear wash houses;
5. No A1/A3 units to be amalgamated;
6. Details of commercial units including shopfront design & signage;
7. Hard and soft landscaping details of public square and courtyard
8. Details of gating system including operation mechanism, hours of operation and security;

9. Details of all access and ingress points;
10. All ramps gradients to be 1:20;
11. Details of a lighting scheme to ensure no light pollution/spillage to surrounding residential occupiers.
12. Details of noise mitigation measures between A4 and C3 uses.
13. Landscape Management Plan;
14. Archaeological Investigation;
15. Programme of historic building recording and analysis;
16. Lifetime Homes standard, including 10% wheelchair accessible;
17. The following parking spaces are to be provided
 - 2 service bays
 - 1 disable parking space
 - 142 cycle spaces
18. Detail of the cycle parking stands;
19. Detailed design and method statement for all of the foundations (in consultation with London Underground)
20. Limit hours of construction
21. Noise levels for plant
22. Details of ventilation system and any associated plant required;
23. Environmental Management Plan;
24. Construction Environmental Management Plan;
25. Delivery and servicing plan
26. BREEAM rating and Code for Sustainable Homes
27. Investigation and remediation measures for land contamination;
28. Details of the proposed A1 hours of operation;
29. Details of the proposed A3 hours of operation;
30. Details of the proposed hours of operation for public house terrace;
31. Section 72 agreement required to dedicate the area of footway behind the proposed servicing area outside the Depot site as public highway.
32. 278 agreement to be entered into for Highway works surrounding the site;
33. Any other condition(s) considered necessary by the Head of Development Decisions

Informatives:

1. Definition of Superstructure and practical completion;
2. The permission is subject to a S106 agreement;
3. Contact Thames Water;
4. Any other informative(s) considered necessary by the Corporate Director Development & Renewal.

That, if within 6 weeks of the receipt by LBTH of the Mayor of London's Stage II report the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated the power to refuse planning permission.

Conditions – Conservation Area Consent

1. Demolition work within 3 years;
2. Grampian condition preventing demolition works until submission of construction contract relating to associated planning permission;
3. Details of the means of enclosure prior to construction;
4. Demolition Environmental Management Plan.

Informatives:

1. Building Control Department with regard to the submission of a Demolition Notice;
2. Submission of a Demolition Notice to Building Control;

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 Planning permission and Conservation Area Consent is being sought for a development comprising a mix of demolition, retention and conversion of a number of existing buildings, to provide a 4 to 9 storey commercially led mixed use development, containing offices (Use Class B1), small and medium enterprise offices, retail units (Use Class A1), restaurant (Use Class A3), public house floorspace (Use Class A4), 8 no. residential units (Use Class C3) and associated open space.
- 4.2 A breakdown of the proposal in more detail can be described as follows:

Demolition & Partial Demolition:

The applicant proposes to demolish No. 13 and No. 20 Norton Folgate, No. 2-9 Shoreditch High Street, No.16-17 and No.10 Blossom Street. Partial demolition and refurbishment is also proposed for the existing warehouses at No 14 - 15 Blossom and No. 14 and 15 Norton Folgate including façades retention.

Refurbishment and Conservation Repair:

It is proposed that the remaining buildings on the site be retained through the refurbishment and conservation repair of No. 16-19 Norton Folgate, 5 -11a Folgate Street and 12-14 Blossom Street;

Redevelopment:

The above works are to enable the redevelopment of this site for a commercially led mixed use development comprising:

- Buildings between 4 and 9 storeys in height (48.40m AOD plus plant)
- Approximately 17,705sqm of B1 (Office) floorspace;
- Approximately 1,903sqm of A1 (Retail) and A3 (Restaurant);
- Approximately 762sqm of A4 (Public House) floorspace
- 8 no. residential units (comprising 5 x 1-beds, 1 x 2-bed, 2 x 3-beds)
- Creation of a new public space referred to as Blossom Place;
- Provision of new access to Blossom Place;
- Associated highway works and public realm improvements to Shoreditch High Street and Blossom Street and provision of managed off-street servicing and parking facilities.

- 4.3 This application represents a revised proposal to a previous application for planning permission and Conservation Area Consent (ref: PA/06/02333 and PA/06/02334) refused on 25 June 2007.
- 4.4 Section 6 of this report outlines the planning history in further detail, however, for clarification purposes it is considered important at this point in the report, to note the key differences between the this scheme and the previous scheme.
- 4.5 As such, the key alterations can be summarised as follows:

- Substantial reduction in the extent of demolition proposed;
- Increase in the number of buildings to be retained and refurbished, in particular 16-19 Norton Folgate;
- Reduction in the height of the tallest part of the proposal (north west corner) from 10 storeys to 9 storeys.
- Alternative design approach to elevations, particularly along Shoreditch High Street and Norton Folgate.
- Reduction in level of office floorspace by approximately 3,300sqm
- Reduction in no. of residential units from 9 to 8 units and improved mix of unit sizes.

5 Site & Surrounding Area

- 5.1 The application site contains two neighbouring land parcels located within the Spitalfields area along the City Fringe, on the western boundary of the Borough, 500m north of Liverpool Street Station and south of Shoreditch High Street Station.
- 5.2 The principle site is referred to as the former Nicholls and Clarke showrooms and warehouses site, a rectangular plot of land measuring approximately 0.38ha, bounded by Fleur-de Lis Street (to the north), Folgate Street (to the south), Blossom Street (to the east) and Norton Folgate and Shoreditch High Street (to the west). The smaller depot site which measures approximately 0.05ha (479sqm), lies immediately to the north east corner of the principle site at the junction of Blossom Street and Fleur-de Lis Street.
- 5.3 The site includes a miscellaneous array of buildings including:
- The vacant Nicholls and Clarke showrooms that occupy the Shoreditch High Street frontage to the north;
 - The vacant Nicholls and Clarke warehouse building fronting Blossom Street and dating from between 1866 and 1914;
 - A vacant 1950's motor transport depot;
 - A non-descript 1950's commercial building at 16-17 Blossom Street;
 - A locally listed Arts and Crafts building on the corner of Blossom Street and Folgate Street, which contains office (B1) and public house (A4) uses (buildings dating between 1866 and 1914)
 - A group of commercial units fronting Norton Folgate dating from the 18th century up to early 20th century.
- 5.4 The site is also located within the Elder Street Conservation Area, originally designated in 1969 and comprising an area which centred around the surviving Georgian houses along Elder Street and Folgate Street. The Conservation Area was extended in 1976 which sought to include the commercial area west of Blossom Street, north of Fleur de Lis Street, as well as Spitalfields Market fringe area to the south of Folgate Street.
- 5.5 The Conservation Area is characterised by predominantly 3-4 storeys buildings with many 3-storey Georgian houses. The buildings towards Commercial Street rise to 5-6 storeys in height.
- 5.6 The subject site however lies within an area which is undergoing a considerable amount of regeneration and change, including large scale office development to the south along the Bishopsgate corridor and Spitalfields Market, containing buildings of up to 10-15 storeys in height. Also, to the west of Norton Folgate lies along the borough boundary with London Borough of Hackney, lies 201 Bishopsgate, a 35 storey office redevelopment. To the north beyond Commercial Street lies Bishopsgate Goodsyrd, an area currently being

appraised by the Council for a potential large scale mixed use development.

- 5.7 The site is also located within an area defined as a Scheduled Ancient Monument, being part of the precinct of the Priory and Hospital of St Mary Spital.

6 MATERIAL PLANNING HISTORY

6.1 PA/06/02333 and PA/06/02334

Relating to the two same land parcels as in the current application, planning permission and conservation area consent was previously refused on 25 June 2007 (ref: PA/06/02333 and PA/06/02334) for the redevelopment of the site for the erection of buildings between 4 storeys and 10 storeys plus plant (totalling 43 metres in height), and retention and conversion of a selection of existing buildings to provide a mixed use development to contain 9 residential units (1x studio flat, 1x 1-bed flat and 7x 2-bed flats), 22,387sq.m of B1 (Office) (1,336sq.m of which were small/medium enterprise units), 1,674sq.m of A1 (Retail) and A3 (Restaurant and Café) and 595sq.m of A4 (Public House), with associated open space and servicing.

- 6.2 The planning application was refused for the following reason:

“The proposal by reason of its bulk, scale and height would fail to either preserve or enhance the character and appearance of the Elder Street Conservation Area contrary to policies DEV25 and DEV28 of the London Borough of Tower Hamlets adopted (1998) Unitary Development Plan and policies CP49 and CON2 of the emerging London Borough of Tower Hamlets Core Strategy and Development Control Submission Document (November 2006)”.

- 6.3 The Conservation Area Consent was refused for the following reason:

“Demolition except in conjunction with and immediately prior to an approved scheme of redevelopment would be detrimental to the character and appearance of the Elder Street Conservation Area. The proposal is therefore considered premature in the absence of an approved scheme for redevelopment”.

- 6.4 Both applications were appealed (appeal ref: APP/E5900/A/08/2062519). The Planning Inspector subsequently dismissed both appeals. In summary, the key issue for the Inspector was the loss of the existing historic buildings which were considered to make a positive contribution to the Elder Street Conservation Area.

- 6.5 The points made by the Planning Inspector in this appeal decision are an important consideration for the current application, and much of which is discussed in later paragraphs of this committee report, however it is considered of relevance at this point in the report to summarise some of the key points made by the Inspector:

- 6.6 The Inspector’s appeal decision notes the following:

- Loss of certain historic buildings (especially No. 16-19 Norton Folgate) considered to have an adverse impact on the conservation area;
- Lack of evidence to demonstrate that the retention of 13-19 Norton Folgate can not be repaired and retained.
- Warehouse buildings along Blossom St contribute to the character of the conservation area.

The more neutral and positive aspects of the appeal proposal noted by the inspector include:

- Appropriateness of the 10 storey element in terms of design and context;
- Overall high quality of the scheme, careful design consideration;
- Retention of the historic kink/set back in the building line between No.1 Shoreditch High St and and 20 Norton Folgate (which marks the boundary of the former precinct to the medieval Priory of St Mary Spital);
- The quality of permeability and improved public access proposed;
- The benefits of the proposed repair work to Blossom St warehouses and locally listed buildings along Folgate Street;
- Potential compatibility between pub use and residential uses with the use of suitable conditions to control the management of the pub.

7. POLICY FRAMEWORK

7.1 For details on the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. The following policies are considered relevant to the application:

Spatial Development Strategy for Greater London (The London Plan consolidated with alterations since 2004)

Policies

Policy 2A.4	Central Activities Zone
Policy 2A.5	City Fringe Opportunity Area
Policy 3A.1	Increasing London’s Supply of Housing Borough
Policy 3A.2	Housing Targets
Policy 3A.3	Maximising the Potential of Sites
Policy 3A.4	Efficient Use of Stock
Policy 3A.5	Housing Choice
Policy 3A.6	Quality of New Housing Provision
Policy 3A.20	Health Objectives
Policy 3A.23	Health Impacts
Policy 3B.1	Developing London’s Economy
Policy 3B.2	Office Demand and Supply
Policy 3B.3	Mixed Use Development
Policy 3B11	Improving Employment Opportunities for Londoners
Policy 3C.1	Integrating Transport and Development
Policy 3C.2	Matching Development to Transport Capacity Sustainable Transport in London
Policy 3C.3	Tackling Congestion, Reducing Traffic
Policy 3C.17	Local Transport and Public Realm Improvements
Policy 3C.19	Improving Conditions for Walking
Policy 3C.21	Parking Strategy
Policy 3C.23	Parking in Town Centres
Policy 3D.1	Supporting Town Centres
Policy 3D.2	Town Centre Development
Policy 3D.3	Maintaining and Improving Retail Facilities

Policy 4A.1	Tackling Climate Change
Policy 4A.2	Mitigating Climate Change
Policy 4A.3	Sustainable Design and Construction
Policy 4A.4	Energy Assessment
Policy 4A.5	Provision of Heating and Cooling Networks
Policy 4A.6	Decentralised Energy: Heating, Cooling and Power
Policy 4A.7	Renewable Energy
Policy 4A.9	Adaptation to Climate Change
Policy 4A.11	Living Roofs and Walls
Policy 4A.14	Sustainable Drainage
Policy 4A.16	Water Supplies and Resources
Policy 4A.17	Water Quality
Policy 4A.18	Water and Sewerage Infrastructure
Policy 4A.19	Improving Air Quality
Policy 4A.20	Reducing Noise and Enhancing Soundscapes
Policy 4A.33	Bringing Contaminated Land Into Beneficial Use
Policy 4B.1	Design Principles for a Compact City Promoting
Policy 4B.2	World-Class Architecture and Design
Policy 4B.3	Enhancing the Quality of the Public Realm
Policy 4B.4	Retrofitting
Policy 4B.5	Creating an Inclusive Environment
Policy 4B.6	Safety, Security and Fire Prevention and Protection
Policy 4B.8	Respect Local Context and Communities
Policy 4B.9	Tall Buildings - Location
Policy 4B.10	Large-scale Buildings – Design and Impact
Policy 4B.11	London’s Built Heritage
Policy 4B.12	Heritage Conservation
Policy 4B.13	Historic Conservation Led Regeneration
Policy 4B.15	Archaeology
Policy 4B.16	London View Management Framework
Policy 5C.1	Strategic Priorities for North East London
Policy 5C.3	Opportunity Areas in North East London

London Plan Relevant SPGs

- Housing (November 2005)
- Accessible London: Achieving an Inclusive Environment (April 2004)
- Sustainable Design and Construction (May 2006)
- London Biodiversity Action Plan – Species of Conservation Concern and Priority Species for Action.
- Draft Interim Housing Design Guide (August 2010)

Tower Hamlets Unitary Development Plan 1998 (saved policies)

Proposals:	Designations within the vicinity of the site are as follows: Central Area Zone Special Policy Area (SPA) where a diverse and balanced mix of use is to be maintained Area of archaeological importance potential Strategic view consultation area
Strategic Policies:	ST1 Addressing the Needs of Residents ST15 Local Economy

	ST17	High Quality Work Environments
	ST23	Housing Quality
	ST25	Housing and Infrastructure
	ST26	Existing Residential Accommodation
	ST28	Restrain Use of Private Car
	ST30	Safety and Convenience for all Road Users
	ST35	Local Shops
	ST37	Improvement of Local Environment
	ST41	Art and Entertainment
	ST43	Public Art
	ST47	Skills Requirements & Training Initiatives
	ST49	Social & Community Facilities
	ST50	Medical Services
	ST51	Public Utilities
Environment:	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV3	Mixed Use Developments
	DEV4	Planning Obligations
	DEV8	Local Views
	DEV9	Control of Minor Works
	DEV12	Provision Of Landscaping in Development
	DEV17	Siting and Design of Street Furniture
	DEV28	Demolition in Conservation Areas
	DEV33	Development in London Squares
	DEV34	Development Adjacent to London Squares
	DEV35	Uses in London Squares.
	DEV42	Scheduled Ancient Monuments
	DEV43	Protection of Archaeological Heritage
	DEV44	Preservation of Archaeological Remains
	DEV50	Noise
	DEV51	Contaminated Soil
	DEV53	Conditions on Consents
	DEV55	Development and Waste Disposal
	DEV56	Waste Recycling
	DEV69	Efficient Use of Water
Employment:	CAZ 1	Central Activities Zone
	EMP1	Promoting economic growth and employment opportunities
	EMP6	Employing Local People
	EMP7	Enhancing Employment Opportunities
	EMP8	Encouraging Small Business Growth
	EMP10	Development Elsewhere in the Borough
Housing:	HSG7	Dwelling Mix and Type
	HSG13	Internal Space Standards
	HSG15	Residential Amenity
	HSG16	Housing Amenity Space
Transport:	T1	Improvements to the Underground
	T3	Extension of Bus Services
	T8	New Roads
	T10	Priorities for Strategic Management
	T16	Traffic Priorities for New Development

	T18	Pedestrians and the Road Network
	T19	Priorities for Pedestrian Initiatives
	T21	Pedestrians Needs in New Development
Shopping:	S7	Special Uses
	S10	Requirements for New Shopfront Proposals

Tower Hamlets Interim Planning Guidance 2007

Proposals:	CF4	Employment (B1), Residential (C3) and Retail (A1, A2, A3, and A4) CAZ Scheduled Ancient Monument Conservation Area Archaeological Priority Area Strategic View Consultation Area
Development Policies:	DEV1	Amenity
	DEV2	Character & Design
	DEV3	Accessibility & Inclusive Design
	DEV4	Safety & Security
	DEV5	Sustainable Design
	DEV6	Energy Efficiency & Renewable Energy
	DEV7	Water Quality and Conservation
	DEV8	Sustainable drainage
	DEV9	Sustainable construction materials
	DEV10	Disturbance from Noise Pollution
	DEV11	Air Pollution and Air Quality
	DEV12	Management of Demolition and Construction
	DEV13	Landscaping and Tree Preservation
	DEV14	Public Art
	DEV15	Waste and Recyclables Storage
	DEV16	Walking and Cycling Routes and Facilities
	DEV17	Transport Assessments
	DEV18	Travel Plans
	DEV19	Parking for Motor Vehicles
	DEV20	Capacity of Utility Infrastructure
	DEV22	Contaminated Land
	DEV24	Accessible Amenities and Services
	DEV25	Social Impact Assessment
	DEV27	Tall Buildings Assessment
Economy and Employment:	EE2	Redevelopment / Change of Use of Employment Sites
Retail and Town Centres:	RT5	Evening and Night-time Economy
Housing:	HSG1	Determining Residential Density
	HSG2	Housing Mix
	HSG7	Housing amenity space
	HSG9	Accessible and Adaptable Homes
Conservation:	CON2	Conservation Areas
	CON3	Protection of London Squares

	CON4	Archaeology and Ancient Monuments
	CON5	Protection and Management of Important Views
Utilities	U1	Utilities

Tower Hamlets Core Strategy Development Plan Document (adopted 2010)

Spatial Policies	SO1 – SO25	Strategic Objectives for Tower Hamlets
	SP01	Refocusing on our town centres
	SP02	Urban living for everyone
	SP03	Creating healthy and liveable neighbourhoods
	SP04	Creating a green and blue grid
	SP05	Dealing with waste
	SP06	Delivering successful employment hubs
	SP07	Improving education and skills
	SP08	Making connected places
	SP09	Creating attractive and safe streets and spaces
	SP10	Creating distinct and durable places
	SP11	Working towards a zero-carbon borough
	SP12	Delivering placemaking – Priorities and Principles LAP1&2 – Shoreditch and Spitalfields
	SP13	Planning Obligations

Supplementary Planning Guidance/Documents

- Former Nicholls & Clarke Draft Development and Design Brief (May 2010)
- Designing Out Crime
- Residential Space
- Landscape Requirements
- The Mayor of London’s Housing Supplementary Planning Guidance

Government Planning Policy Guidance/Statements

PPS1	Delivering Sustainable Development Planning and Climate Change – Supplement to PPS1
PPS3	Housing
PPS4	Planning for Sustainable Economic Growth
PPS5	Planning for the Historic Environment
PPS9	Biodiversity and Geological Conservation
PPG13	Transport
PPS22	Renewable Energy
PPS23	Planning and Pollution Control
PPG24	Planning and Noise
PPS25	Development and Flood Risk

Community Plan

The following Community Plan objectives relate to the application:

- A Great Place to Live
- A Prosperous Community
- A Safe and Supportive Community
- A Healthy Community

Other material considerations

- CABE & English Heritage “Guidance on Tall Buildings” (July 2007)

8. CONSULTATION RESPONSE

- 8.1 The following were consulted regarding the application. The summary below should be read in conjunction with the full representations available in the case file.
- 8.2 The views of officers within the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

INTERNAL CONSULTEES

Environmental Health - Health and Safety

- 8.3 No comments received.

Environmental Health - Contaminated Land

- 8.4 Due to the former industrial uses (Chemical Manufactory - Chuck Lockett & Co. 10 Norton Folgate & 3 Spital Square (2 adjoining sites) and adjoining stations rail approach tracks which contained coal stock yards etc, these uses have the potential to contaminate the area. A site investigation is required to identify potential contamination and to ensure that any contaminated land is properly treated and made safe before development.

(Officer's comment: a condition requiring a contamination report and associated investigation is recommended).

Environmental Health - Noise & Vibration

- 8.5 Sound insulation testing reports should be provided to Environmental Health to demonstrate compliance with Part E of the Building Regs - Resistance to the Passage of Sound.

Environmental Health - Smell / Pollution

- 8.6 No comment received

(Officer comment: Any ventilation and extraction required to facilitate cooking from A3/A4 use will require full details to be submitted and approved).

Environmental Health - Air Quality

- 8.7 Further information requested from EHO in relation to:

- background concentrations used in the model
- meteorological data
- source of traffic data (and whether TfL factor was applied)
- whether the street canyon effect has been taken into account.

(Officer comment: Information subsequently submitted and EHO has confirmed

satisfaction with air quality assessment, however recommends that details of a Construction Environmental Management Plan is submitted. A condition has been attached to this effect).

Environmental Health - Daylight & Sunlight

- 8.8 In summary, the EHO considers that the scheme has no significant impact on itself or surrounding residential buildings. Daylight on the surrounding buildings in terms of VSC, ADF and DDC is considered acceptable. Sunlight on the proposed scheme on itself in terms of APSH is also considered acceptable.

Environmental Health - Micro-climate

- 8.9 Further information requested in relation to baseline calculations.

Landscape /Parks/ Open Space

- 8.10 No comments received.

(Officer comment: it is suggested that a landscape scheme is submitted and approved in writing via condition).

Transportation & Highways

8.11 Parking

- In light of high PTAL rating the permission should be subject to permit free agreement.
- The provision of a disabled parking space in the Blossom Place welcomed.
- The provision of 142 cycle spaces exceeds the minimum standards (96 cycle spaces) and is therefore welcomed.
- Further information required detailing type of the cycle parking.
- Further information requested in relation to the design's of showers and changing facilities.

8.12 Trip Generation

- Further information requested in relation to trip generation and service trips.

8.13 Servicing

- Lack of on site service for the depot site considered disappointing, however proposed service arrangement considered acceptable.
- Concerns regarding the proposed loading area outside of the depot site (oversails the area of footway below and assurances needed that minimum clearances can be achieved).
- The submission of Delivery & Servicing Plans to be conditioned prior to occupation.

8.14 Refuse

- Clarification needed on whether LBTH refuse collection vehicle able to access the site. Note to applicant's TA regarding City of London refuse/waste management team willing to commit to undertaking the refuse/recycling collection from the site.

8.15 Travel Plan

The submitted framework travel plan should be tied into the S106 and should cover:

- Implementation of Travel Plans in accordance with the framework, submitted to

- and approved by the Council;
- Appointment of a Travel Plan Co-ordinator role to ensure the implementation and monitoring of the Travel Plans;
- A contribution to Tower Hamlets Council (£3,000) for monitoring the Travel Plans.
- The Applicant may wish to consider including membership to the Cycle Hire Scheme as part of the Resident's Travel Pack.

8.16 Nature & Scale of Retail Use

- Due to the servicing issues commonly associated with larger retail and convenience food use operators, it is recommended that a condition be imposed to ensure the proposed retail spaces remain as shown on the plans (small separate units).

8.17 S.278 Issues

- All Highway works will be designed and implemented by the Council's Highway Design team at the applicant's expense (S278/S106).
- Proposed works to the public highway will form part of a S278 Agreement
- The material to be used for the proposed public highway (pavement/footway works) must be agreed with the Highway Design Team;
- Section 72 Agreement required in order to dedicate the area of footway behind the proposed servicing area outside the Depot site as public highway.
- Construction Management Plan to be secured.
- Travel Plan to be secured alongside the Travel Plan monitoring contribution of £3,000 monitoring fee)
- Delivery & Service Management Plan also required.

(Officer Comment: Applicant has submitted further information in response to the Highways Officers requests. Further plans have been submitted to overcome concerns regarding oversailing of the building over the highway. Appropriate conditions also recommended)

Strategic Transport Team

8.18 No objections raised.

Crime Prevention Design Officer

8.19 No major objection to the design. However, officer would like to make sure that consideration has been given to the mitigation of terrorist attacks, particularly because of the building's relationship to the Liverpool Street Train line and Dalston/Croydon Overground line and other important buildings in the vicinity. It is recommended that measures to prevent vehicle born attacks, and also the use of protective glass in the building, should be considered.

(Officer comment: the applicant has confirmed commitment towards the use of protective glass, however the quality of glazing will be controlled through Building Regulations in any event. Furthermore, officers consider that other measures proposed by the applicant such as the proposed 24 security of the entrance gates, to be sufficient to monitor any potential security attacks.

Enterprise & Employment

- 8.20 Officers accept the employment contribution of £108,840. previously agreed by the Planning Contributions Overview Panel.

In terms of non-financial obligations, the following is sought:

- 20% of the construction phase workforce will be local residents of Tower Hamlets through the Council's Skillsmatch Construction Service.
- 20% of goods/services procured during the construction of the development, be achieved by businesses in Tower Hamlets.
- 30% of the jobs created in the final development (e.g retail, hospitality, admin, security) to be secured by local residents of Tower Hamlets, to be provided through the Council's Skillsmatch service.

(Officer comment: Contributions secured - see later sections of this report for discussion on planning obligations and contributions).

Communities, Localities & Culture

- 8.21 No objections.

Waste Management

- 8.22 No comment received.

EXTERNAL CONSULTEES

GLA & TfL

- 8.23
- Proposed mixed use of the site within a CAZ considered acceptable and consistent with relevant London Plan policies;
 - Improvement to previous scheme recognised and conservation and urban design considered acceptable;
 - Principle of housing considered acceptable and housing mix acceptable.
 - Inclusive design principles acceptable
 - Further information required on climate change mitigation and adaptation, e.g. overall carbon emissions savings relative to 2010 Building Regulations, and external district heating network.
 - Contribution towards employment, training and enterprise recommended.
 - Contribution toward pedestrian and cycling improvements, travel plan, delivery and service plan, construction logistic plan.
 - Contribution towards Crossrail £1,425,887

CABE

- 8.24
- Design strategy and the proposed integration of retained building commended.
 - Scale and massing acceptable in context.
 - Composition of building volumes work well.
 - Linkages through to site and access to Blossom Place welcomed.
 - Success of the scheme will be dependant on materials and detailing and should be conditioned.

English Heritage

- 8.25
- Application should be determined in accordance with national and local policy guidance, and on the basis of specialist conservation advice.

English Heritage Archaeology

- 8.26
- Confirms that the site falls within a Scheduled Ancient Monument (SAM), being part of the Priory of St Mary Spital.
 - Works which involve excavation below ground level will require SAM consent
 - Programme of historic building recording and analysis recommended (condition).

National Air Traffic Services Ltd.

- 8.27 No safeguarding objections raised.

Environment Agency

- 8.28 Application considered to have low environmental risk. No further comment.

City Of London Corporation

- 8.29 No comment received.

London Borough of Hackney

- 8.30 No objections raised.

London Fire and Emergency Planning Authority

- 8.31 Ground floor plan indicates that the existing water supplies are to be maintained and the provision of water supplies for the fire service should be adequate. Fire brigade access should not be problematic.

Thames Water

- 8.32 No objections to the application however an informative relating to minimum water pressure should be attached to any decision.

London City Airport

- 8.33 No comment.

British Broadcasting Corporation - Reception Advice

- 8.34 No response received.

Georgian Group

- 8.35 No response received.

Twentieth Century Society

- 8.36 No response received.

The Spitalfields Trust

8.37 Acknowledge that the current application is a considerable improvement, however objections raised in relation to:

- Proposed scheme containing elements that are too height and bulky;
- Retention of late 19th Century shops/houses applauded but facadism is not supported. Should be restored in their entirety and uppers floors restored to residential.
- Oppose the wrap around window design of the corner building at Norton Folgate and Folgate Street. More traditional window shapes preferred.
- High rise components of the scheme remain too high to the detriment of the character of the conservation area.
- Retention of the first floor wash houses along Norton Folgate applauded, however, object to the treatment of the proposed shop unit openings. Suggests that brick arches should be considered instead of cat-nick lintels.
- Unhappy with proposed cascade of cantilevering balconies. More traditional balconies suggested.
- Excessive demolition proposed to the Blossom Street warehouses.

(Officer Comment: See Design and Conservation section of his report for discussion of the above issues)

Elder Street Residents' Association

8.38 No response received.

St Georges Residents' Association

8.39 No response received.

9. LOCAL REPRESENTATION

9.1 A total of 125 properties within the area shown on the map appended to this report, together with all individuals and bodies who made representations on the previous application, have been notified about the revised application and invited to comment. The application has also been publicised in East End Life and 6 site notices were erected around the site.

9.2 A total of 5 representations were received following publicity of the application and these can be summarised as follows:

No. of individual responses:	Object:	Support:	General Observation:
4	2	0	2

9.3 4 letters of representation were received from local residents, 2 raising objection and 2 raising a number of concerns, issues and suggested alterations and conditions as well as elements of support for the proposal.

9.4 Many of the representations made note their support for the scheme in principle and in particular:

- Commend aspects of the proposed retention to the historic buildings;
- Acknowledge the improvements of the scheme when compared to that previously submitted in 2007;
- Acknowledge the applicant's public consultation exercise as being 'excellent and informative'.
- Supports the retention of the existing open space and its formation into a more publically accessible space.
- Improved permeability welcomed.

9.5 The remaining comments and objections raised can be summarised as follows:

- Concerns regarding the façade design and window treatment of the proposed building on the corner of Folgate St and Bishopsgate.
- Traffic concerns along Blossom Street;
- Need for proposed piazza/terrace area between rear of public house and the square to have a designated smoking area;
- Potential light pollution from the main element of the proposal. Suggested condition to ensure windows are shuttered at night and turned off when not needed;
- Potential impact of construction on functioning of the Water Poet pub;
- Concerns expressed by owner of Water Poet pub regarding relationship with pub use and proposed residential uses above.
- Need to ensure the pub use continues to have access to an external courtyard.

9.6

One of the objections raised was submitted by The London Society, who raised concerns regarding the appearance of the new development and how will look out of keeping with the character of the conservation area, particularly the element fronting onto Norton Folgate. They also oppose the demolition of the art deco building at Shoreditch High Street.

10. MATERIAL PLANNING CONSIDERATIONS

10.1. The main planning issues raised by this application that the committee are requested to consider are:

- Principle of Development/Land Use
- Housing
- Residential Standards
- Design & Conservation
- Open Space & Landscaping
- Amenity
- Air Quality
- Access and Transport
- Energy & Sustainability
- Conservation Area Consent
- Scheduled Ancient Monument
- Planning Obligations

Principle of Development / Land use

10.2 The site is currently occupied by a mix of commercial uses including shops, offices, vacant warehouses and a public house. The application proposes a mix of uses with commercial office space being the predominant use, comprising approximately

17,705sqm of B1 floorspace. Some 1,903sqm of A1 (Retail) and A3 (Restaurant) is also proposed along side 762sqm of A4 (Public House) floorspace and 8 no. residential units.

- 10.3 The appropriateness of each of these uses in planning policy terms is broken down and outlined under the following headings below:

Office Use

- 10.4 The site falls within the 'Central Area Zone' and the 'Bishopsgate/Shoreditch Opportunity Area', as identified in the London Plan 2008. The site is also identified in the Council's adopted City Fringe Action Area Plan (City Fringe AAP) 2006, which identifies the site as falling with a strategic preferred office location (site reference CF4) and identifies its use for employment (B1), residential (C3) and supporting A1, A2, A3 and A4 uses.
- 10.5 The London Plan seeks to improve employment opportunities and accommodate a significant proportion of office based employment growth in the East Sub-region, particularly in Opportunity Areas. The Council's Core Strategy Policy SP06 seeks to maximise and deliver investment and job creation in the Borough.
- 10.6 Approximately 6,938sqm of office space exists on site at present. The application proposes 17,705sqm therefore providing an uplift of 10,767sqm of office floorspace. This is expected to generate approximately 900 jobs and as such will make a significant contribution to the planned increase in jobs provision within the Opportunity Area. Whilst the proposed office uses will provide the majority of these jobs, the proposals will also give rise to the provision of a variety of employment opportunities arising from the A1, A3 and A4 activities.
- 10.7 The proposed development will also provide a significant amount of large floor-plate offices along the Bishopsgate Road Corridor, which is an objective of the Council's Core Strategy Policy SP06(2). However, considering the site's location within a conservation area, the applicant has also sought to retain the existing historic layout of the many of the historic properties along Norton Folgate. As such the proposal provides accommodation for small and medium enterprises in accordance with Saved Policy EMP8 of the UDP (1998), Policy SP06 of the Core Strategy 2010 and Policy CFR9 (4) of the CFAAP.
- 10.8 In terms of maximising employment and increasing employment opportunities for local people, the proposal satisfies policy SP06 of the Core Strategy 2010 through the commitment towards local people gaining access to employment during construction and local employment initiatives such as Skillsmatch. (Discussed further in the planning obligations section of this report.

Retail Use

- 10.9 The retail element of the proposal includes a mix of restaurant and shop units, all of which are to be located on the ground floor of the principle elevation fronting Shoreditch High Street and Norton Folgate. The site is not within a designated town centre, however it is located within the City Fringe and the provision of retail space in this area is supported by the IPG City Fringe Area Action Plan 2007 which acknowledges the role of retail use supporting commercial office function. Much of the retail space proposed is in the form of small retail units and this is reflected in the existing floor plan layout of No. 13-19 Norton Folgate which are to be retained and refurbished.

Public House Use

- 10.10 The application proposes to retain the existing pub use in line with Policy RT6 of the IPG

2007 which seeks to prevent the loss of public houses. The application proposed to increase the amount of A4 use by 117sqm therefore providing 762sqm of A4 use. The additional space is directed towards the rear of the newly formed Blossom Place, as well as west along Folgate Street.

- 10.11 The proximity of the pub to adjacent residential uses in principle is a material consideration; however, the existing pub is located adjacent to a number of existing residential units on Folgate Street. The compatibility of C3 residential uses above an A4 pub use is not considered uncommon in this urban location. It is recommended that hours of operation be conditioned, appropriate noise insulation measures be adopted in order to ensure compatibility between the uses. The issue of residential amenity impacts is discussed in later sections of this report.

Residential Element

- 10.12 The application proposes 8 new residential units as part of this mixed use development. It is acknowledged that the site falls within a Preferred Office Location and officers in Strategic Policy do not support the residential element of this application in this location. However, Policy CFR10 of the IPG CFAAP (2007) supports residential development in the Aldgate and Spitalfields Market sub-area, where it forms part of an employment led mixed use development in areas not identified as a Preferred Office Location. The site is designated as a POL however, as the commercial element of this application remains the dominant use, the residential element is considered acceptable as it would be minor in scale and not an uncharacteristic use in the Elder Street Conservation Area.
- 10.13 Furthermore, the application proposes to reinstate the upper floors of the locally listed Arts & Crafts buildings along on Folgate Street back to residential use. It is considered that this would have been the original use of these floors where accommodation would have traditionally been provided above the pub uses.
- 10.14 Whilst strictly speaking this aspect of the proposal could be considered contrary to policy, this is considered an exception and on balance, the residential aspect of the proposal, along side the mix of retail and restaurant and office uses proposed, are considered to establish an appropriate mix of land uses in accordance with the objectives of London Plan Policy 3B.3, saved Policy DEV3 of the UDP (1998) and the CFAAP (2006) which generally seeks to secure a mix of uses including housing within the Central Activities Zone and Opportunity Areas.

Conclusion

- 10.15 Considering the designation of the site as Preferred Office Location within the Central Activities Zone and the fact that the proposal is dominated by commercial accommodation, officers consider the proposal to be acceptable in land use terms.
- 10.16 Through renewal of existing stock and provision of new office space, the scheme will provide an employment-led mixed used scheme which safeguards the employment use of the site. It will provide a variety of type and size, including large floor plate office space and SMEs and will also facilitate locally-based employment and training opportunities. The scheme therefore accords with policies 3B.1, 3B.3, 3B.3 and 3B.11 of the London Plan (2008), saved policies DEV3, EMP1, EMP7, EMP8 of the UDP (1998), policies SP01 and SP06 of the Core Strategy (2010) and CFR10 of the City Fringe AAP (2006).

Housing

- 10.17 Policies 3A.1, 3A.2 and 3A.5 of the London Plan (2008) seek to increase London's supply

of housing, require Boroughs to exceed housing targets, and for new developments offer a range of housing choices, in terms of the mix of housing sizes and types. Policy SP02 of the Core Strategy (2010) seeks to deliver 43,275 new homes (equating to 2,885 per year) from 2010 to 2025 in line with the housing targets set out in the London Plan.

Affordable Housing

- 10.18 Policy SP02 of the Core Strategy (2010) requires 35-50% affordable homes on sites providing 10 new residential units or more however, the application proposes 8 residential units and as such, falls just below the threshold of 10 units, therefore the scheme is not required to provide affordable housing. As such, all 8 of the units proposed are for private market tenure.

Housing Mix

- 10.19 London Plan Policy 3A.5 requires developments to offer a range of housing choices, in terms of housing sizes and types. Saved Policy HSG7 of the Council's UDP (1998) states that new housing development should provide a mix of unit sizes where appropriate, including a substantial proportion of family dwellings of between 3 and 6 bedrooms. Policy HSG2 of the IPG (2007) and Policy SP02 of the Core Strategy (2010) also seek to create mixed communities.
- 10.20 The application proposes 8 residential units comprising 5 x 1 beds, 1 x 2 bed, and 2 x 3 beds units. At the pre application stages, the application comprised 1 and 2 beds only. Officers advised the applicant to include some family sized units to facilitate potential urban family living common to Tower Hamlets. Despite the application only providing 8 residential units, the scheme now comprises 2 x 3 bed units (25%).
- 10.21 The scheme provides an acceptable mix of housing size and mix in accordance with policy 3A.5 of the London plan, saved policy HSG7 of the UDP (1998) and Policy HSG2 of the IPG (2007) and policy SP02 in the Core Strategy (2010).

Housing Size

- 10.22 London Plan Policies 3A.6 and 4B.1 seek to ensure that new housing is designed to accommodate today's greater demands for internal space arising from our changing lifestyles. Saved Policy HSG13 of the UDP (1998) Policy SP02 of the Core Strategy (2010) also seeks to ensure that all new housing is of a high quality, is well-designed and has adequate provision of internal residential space. Minimum space standards are set out in the Council's SPG on Residential Standards (1998) and more recently the Mayor's has published an interim Housing Design Guide (August 2010) setting our minimum floor areas for units based on number of people expected to inhabit the unit.
- 10.23 As the table below details, the proposal complies and in many cases exceeds both the Council and the Mayor's standards.

Apt No.	Unit Type	Proposed Unit Size (sqm)	Mayor's Minimum Unit Standards	LBTH SPD Residential Standards.
Apt. 1	1 Bed (2 person)	54	50	44.5
Apt. 2	1 Bed (2 person)	50	50	44.5
Apt. 3	3 Bed (4 person)	87	74	70
Apt. 4	1 Bed (2 person)	54	50	44.5
Apt. 5	1 Bed	50	50	44.5

	(2 person)			
Apt. 6	3 Bed (4 person)	87	74	70
Apt. 7	1 Bed (2 person)	50	50	44.5
Apt.8.	2 Bed (3 person)	86	61	57

10.24 Overall, the proposed residential unit sizes are therefore considered to be acceptable and in accordance with the London Housing Design Guide (Interim Edition, 2010), Policies 3A.6 and 4B.1 of the London Plan (2008), saved policy HSG13 of the UDP (1998) and Policy SP02 of the Core Strategy (2010) and the Residential Standards SPG (1998).

Housing Amenity Space

10.25 Saved Policy HSG16 of the UDP (1998) and Policy HSG7 of the IPG (2007) requires all new housing developments to have an adequate provision of amenity space, for it to be designed to be fully integrated into a development, that it is safe, and that it maximises accessibility and usability, and does not detract from the appearance of a building. Policy HSG7 (and Table DC2) of the IPG (2007) also sets out the minimum standards for private amenity space in relation to unit sizes requiring 6sqm for 1 bedroom units and 10sqm for units providing two or more bedrooms.

10.26 More recently, the Mayor's London Housing Design Guide (Interim Edition, 2010) recommends that a minimum of 5sqm of private outdoor space be provided for 1-2 person dwellings and an extra 1sqm be provided for each additional occupant.

10.27 Based on Policy HSG7 of the IPG, a total of 60sqm of private amenity space would be required from a development proposing 5 x 1-beds, 1 x 2-bed and 2 x 3-bed units. As the summary table below outlines, the application proposes to exceed the Councils (and the Mayor's) minimum private amenity standards by doubling, and on occasion tripling, the minimum standards, resulting in a total of 128sqm of private amenity space with the smallest balcony being 10sqm and the largest being 21sqm. This aspect of the proposal is commended.

Unit Type	LBTH IPG 2007 Required Private Amenity Space (sqm)	Proposed Private Amenity Space (sqm)
Apt No. 1 (1 Bed)	6	21
Apt No. 2 (1 Bed)	6	21
Apt. No. 3 (3 Bed)	10	17
Apt. No. 4 (1 Bed)	6	10
Apt. No. 5 (1 Bed)	6	10
Apt. No. 6 (3 Bed)	10	11
Apt. No. 7 (1 Bed)	6	18
Apt No. 8. (2 Bed)	10	20
TOTAL	60sqm	128sqm

10.28 The application also proposes a new public amenity space within the site through the enlargement and reconfiguration Blossom Place, which the residents could also utilise. The rear balconies proposed will look north towards the new Blossom Place and to

maximise daylight and sunlight, the balconies are staggered at each level. Representations made following the public consultation on this application raised objections to the balconies reaching over the square, however, to clarify, the balconies are to be set back from the square and staggered to maximise the amenity of future occupiers.

- 10.29 Given the urban location of the site, its context within a conservation area and in particular the composition of the proposed residential units within the constraints of the locally listed buildings, the private amenity space proposed is welcomed and considered acceptable and in line with saved policy HSG16 of the Council's UDP (1998), policies HSG7 of the IPG (2007) and policy SP02 of the Core Strategy (2010).

Design & Conservation

Conservation Issues

- 10.30 PPS5 provides detailed guidance on the conservation of the historic environment and historic assets. Policy HE7 in particular sets out a number of principles guiding the determination of applications relating to heritage assets and in the consideration of the impact of a proposal requires local planning authorities to take account of the significance of the heritage asset and the value that it holds. PPS 5 also sets out a presumption in favour of the conservation of designated heritage assets and the more significant the designated heritage asset, the greater the presumption in favour of its conservation should be.
- 10.31 London Plan Policies (4B.1, 4B.11, 4B.12, 4B.13) and Policy SP10 of the Council's Core Strategy (2010) seek developments to respect London's historic environment, through the protection and enhancement of historic assets and the encouragement of schemes which make use of historic assets.
- 10.32 Saved policies DEV27 and DEV28 of the Council's UDP (1998) and Policy CON2 of the Council's IPG (2007) sets out the specific criteria for when development proposals are considered acceptable in Conservation Areas and these relate back primarily to National and Regional guidance outline above which seek to preserve or enhance the conservation area. These policies also seek to protect buildings which make a positive contribution to the conservation area and seeks to resist their demolition unless appropriate justification is provided.
- 10.33 More specific to the application site, the City Fringe AAP (2006) specifies a number of design principles applicable to the Aldgate and Spitalfields Market sub-area, one of which (Policy CFR12) requires development within the Elder Street and Artillery Passage Conservation Areas to reinforce the historic street pattern. Supporting paragraphs of this AAP (paragraphs 4.17-4.19 also note how new buildings should complement the historic environment in scale and nature, whilst allowing modern structures in appropriate locations.
- 10.34 The acceptability of the proposed development and its impact of the Elder Street Conservation Area can be considered in the context of the above policies and guiding principles. For ease of reference, it is considered appropriate to break the development down into three aspects which reflect the three principle elevations of the site;
- (i) Shoreditch High St/Norton Folgate Street;
 - (ii) Folgate St;
 - (iii) Blossom St, Fleur-de-Lis St, all of which are detailed below in the context of the above policies.

(i) Shoreditch High Street & Norton Folgate

- 10.35 This elevation acts as the principle elevation of the site and is noted in the Elder Street Conservation Area Appraisal as having a mixed frontage which it includes modern office blocks, remains of Georgian residential development, later 19th century mixed-use commercial buildings and a 1930's showroom frontage. The CAA also notes that many of these buildings do not have exceptional intrinsic value. The application proposes part retention and part redevelopment of this entire elevation.
- 10.36 No's 2-9 Shoreditch High Street are to be redeveloped to provide a medium to large block rising to 9 storeys (plus plant). The demolition of these buildings is considered acceptable as these building are not considered to have any intrinsic or historic value to warrant their retention. The design of the proposed replacement building blocks will be stepped and broken up into three separate volumes. This is considered to break up the bulk and mass of the development and ensure the character of the conservation area is protected. Considering the site's context next to 201 Bishopsgate tower, the redevelopment of 2-9 Shoreditch is considered to provide a proportionate transition between the historic scale of development in the conservation area to the east and City scale of development to the west. *(The height of the proposal is considered in the context of other design detail and tall buildings policies in later sections of this report).*
- 10.37 There is a distinct set back in the street between Shoreditch High Street and Norton Folgate which the application proposes to retain in the proposed building line of the development. The main pedestrian entrance through the site would be at this point. This set back aligns with the former precinct to the medieval Priory of St Mary Spital. *(Ancient monument discussed further in later sections of this report)* and this set back is considered to contribute to the character of the conservation area and is noted in the Inspector's appeal decision. The retention of this set back is supported.
- 10.38 The proposed retention of 16-19 Norton Folgate Street is welcomed and this represents a marked improvement to the previous application where their demolition was sought. The Council's previous reason for refusal and the Inspector's subsequent appeal decision focuses on the impacts surrounding the loss of these buildings which are considered to positively contribute to the conservation area through their rhythm and detailing. As such, their retention is proposed in this revised application and this accords with the above mentioned policies which encourage the reuse of historic assets. The refurbishment of the wash houses to the rear of 16-19 Norton Folgate St and the removal of some single storey extensions is also supported as this enables the opening up of the development on to Blossom Place.
- 10.39 The condition of No's 14-15 Norton Folgate are not comparable with that of No. 16-19 due to the extremely poor condition of their fabric, substantial reconstruction is necessary and proposed. Furthermore, following consultation with English Heritage and the Council, this approach was considerable acceptable and the application proposes to retain the foundations (to protect archaeology), reconstruct the upper floors and retain and repair the façade.
- 10.40 The end building of this elevation (No. 13 Norton Folgate St) is to be redeveloped. This is a 1930's building of little notable value and its redevelopment is not considered to have an adverse impact on the character or appearance of the conservation area. The replacement building will maintain the scale and proportions of the adjoining properties and whilst marking a new gateway point to the conservation area on the corner of Norton Folgate and Folgate St. The architectural treatment is considered to provide an appropriate balance between the new build elements along this principle elevation and the historic properties.

(ii) Folgate Street

- 10.41 No's 5-11 and 11A Folgate Street are locally listed buildings and as such are therefore considered to be heritage assets. The application proposed to retain and refurbish these locally listed 'Arts and Crafts' buildings. This retention is supported as this will both preserve and enhance the conservation area. There will be some refurbishment work to the rear of these properties (which have been much altered previously) and this is to facilitate the adaptation of the upper floors for residential use above the public house. As set out in the Elder St Conservation Area Audit, Folgate Street is identified as being at the centre of the Conservation Area, and to include most of the surviving 18th century developments. The prevailing domestic residential character is also noted. As such, the reinstatement of the residential uses at 1st, 2nd and 3rd floors of No. 5-11 is also considered to contribute positively to the character of this conservation areas and this represents the property's former use historically.
- 10.42 The redevelopment of No. 13 Norton Folgate Street (corner building with Folgate St) is considered to sit comfortably in context with No. 5-11 Folgate Street. The scale, proportions and detailed design appear to respect that of the arts and craft buildings and are considered acceptable.

(iii) Blossom Street/ Fleur-de-Lis Street

- 10.43 Some of the key conservation issues to be considered in the assessment of this aspect of the site relate to works along Blossom Street and Fleur-de-Lis Street and include the demolition of the Depot site; the redevelopment of 16-17 Blossom Street and the refurbishment of the warehouses.
- 10.44 Taking each aspect in turn, the Depot building is not considered to make a positive contribution to the conservation area. As such, its redevelopment is not opposed. This was not an issue in the previous application or in the Inspector's appeal decision.
- 10.45 Similarly, number 16-17 Blossom Street is considered to be a non-descript 1950's building. Officers are satisfied with the proposed redevelopment of these two infill aspects of the proposal and their redevelopment will enhance the character of Blossom Street. In accordance with the City Fringe AAP, which seeks to ensure new buildings complement the historic environment in scale and nature, whilst allowing modern structures in appropriate locations.
- 10.46 With regard to the warehouses, these are not listed buildings, however they are noted in the Elder Street Conservation Area Audit as being a series of high quality 4-storey brick warehouses dating from 1886. As such, they are considered to contribute towards the character of the Conservation area. The Elder Street Conservation Area Appraisal recommends the re-use of these buildings. The application proposes to refurbish and retain the majority of the units along the Blossom Street and where the internal fabric can not be retained, their façade is to be retained. This retention and preservation aspect of the proposal is welcomed and has been commended by number of the local conservation bodies and CABE.
- 10.47 To conclude, the revised scheme is considered to achieve an appropriate balance between conservation and redevelopment, and on a whole will provide a positive contribution to the character and appearance of the Conservation Area in line with the relevant policies detailed above.

Design – Layout, Scale, Bulk & Height

- 10.48 Policy 2A.1 of the London Plan, which sets out sustainability criteria, states that a design-led approach should be used to optimise the potential of sites. Chapter 4B of the plan focuses on all aspects of design and provides detailed guidance. Policy 4.B1 sets out a number of design principles and requires developments to maximise the potential of the sites; promote high quality inclusive design; create or enhance public realm; provide a mix of uses; be accessible, usable, permeable and safe, sustainable, respect local context, natural environment, heritage.
- 10.49 Policy 4B.9 focuses on the design and impact of large-scale buildings, referring to the appearance of the development close up and from the distance, the public realm and the impact of tall buildings on residential amenity and the microclimate of the surrounding environment, including public and private open spaces.
- 10.50 The approach set out in the London Plan is also reflected in the Council's saved policy DEV1 of the UDP, policies DEV2 and DEV27 of the IPG (2007) and Core Strategy Policy SP10 which seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds.
- 10.51 Furthermore, policy CFR12 of the IPG City Fringe AAP (2007) sets out a number of design principles for the Aldgate and Spitalfields Sub Area. These relate to the need for building heights to respect local context and strategic views (e.g St Pauls); provide public realm linkages and respect historic street pattern of the conservation areas.
- 10.52 The bulk, scale and mass of the proposal is considered to sit comfortably in the context of the site. The mid rise and taller elements of the proposal are considered to be well proportioned and provide appropriate levels of enclosure around the open space. The reduction in one storey and the reduction of approximately 3,000sqm of floorspace from the 2007 significantly reduces the scale, bulk and mass of the proposal and is considered to be a marked contrast to the previous application.
- 10.53 The layout of the proposal is considered acceptable, as it respects the existing building lines, the existing orientation of the buildings and its historic relationship with Blossom Place. The proposed enlargement and enhancement of Blossom Place and the overall enhancement of site permeability is welcomed as this will greatly enhance connectivity and permeability through the site. The overall layout and location of buildings and their relationship with pedestrian and vehicular movement is considered to be acceptable. It is also worth noting that CABI have commended the design strategy commenting in particular on how the composition of building volumes work well and that the scale and massing are considered acceptable in context.
- 10.54 The materials proposed are considered to be sympathetic to the site's context particularly in relation to the brick work which dominates much of the existing fabric in the conservation area. The design solution for the new build element appears to steer away from the expansive glass and steel design solutions of other neighbouring buildings (and indeed the previous 2007 proposal) and will be characterised rather by stone and glass, predominantly in a red sandstone/terracotta mid tone coloured stone.
- 10.55 Equally, the development of the depot site to provide a replacement 5 storey building is considered to sit comfortably in context with the adjoining properties. The scale, proportions and detailed design is considered to complement that of the adjacent property at Fleur-de-Lis Street and Blossom Street and provides an appropriate set back with vertical glass panels to provide a transition between the original brickwork on the historic

neighbouring properties and the proposed stone treatment of the new build.

- 10.56 Some of the representations made (including Spitalfields Trust) have raised concerns regarding the treatment of the corner building at 13 Norton Folgate; namely that the proposed wrap around window is considered to be out of keeping with the traditional pattern of windows in the area. Officers do not feel that a traditional treatment is necessarily the best solution, as the redevelopment of this corner building is considered an opportunity to provide an important entrance to the conservation area, marking a contemporary building using traditional materials
- 10.57 The Trust's concerns regarding the design detail of the rear wash houses being more akin to brick arches has been raised with the applicant and it the applicant has submitted amended plans showing traditional brick arches.
- 10.58 The overall design solution for the site is considered to be of a very high architectural quality that successfully marries conservation and city fringe development constraints. The proposed restoration of active street frontages along Shoreditch High Street and Norton Folgate Street will add to the vitality and vibrancy of the CAZ.
- 10.59 As such, the building height, scale, bulk and design is considered acceptable and in line with regional and local criteria for tall buildings. As such, the scheme accords with policies 4B.8, 4B.9 and 4B.10 of the London Plan (2008), saved policies DEV1, and DEV2 of the Council's UDP (1998), policies DEV1, DEV2, DEV3, DEV27 of the Council's IPG (2007) and policies SP10 and SP12 of the Core Strategy (2010) which seek to ensure buildings and places are of a high quality of design and suitably located.

Height /Tall Building Aspect/ Views

- 10.60 With regards to appropriateness of the development as a tall building, this has been considered in the context of London Plan and local plan policies. A tall building is described as one which is significantly taller than their surroundings and /or having a significant impact on the skyline. London Plan policies 4B.8 and 4B.9 relate to the specific design issues associated with tall buildings in line with CABE/English Heritage's Guidance on the matter and policy DEV 27 of the IPG and SP10 of the Core Strategy also provide guidance on the appropriate location for tall buildings requiring them to relate to design and context, environment, socio-economic factors, access and transport and aviation requirements. The Core Strategy also seeks to restrict the location of tall buildings to Canary Wharf and Aldgate.
- 10.61 The site is located within the Aldgate and Spitalfields Market Sub Area of the City Fringe AAP and the principle of tall buildings in this area is established in both the City Fringe AAP and through the recent developments in the vicinity, notably 201 Bishopsgate Tower opposite the application site (located within the London Borough of Hackney). It is also worth noting that the Council's previous reason for refusal did not raise concerns with the height of the development and it is also worth noting that the Inspectors appeal decision acknowledges that the taller element of the proposal (10 storeys in this case) '*would not look out of place*'.
- 10.62 Notwithstanding the above, and in consideration of some local opposition, the applicant had reduced the height of the development by one storey and the application now proposes a series of low to mid rise building blocks rising to 9 storeys in height (48.40 AOD) plus plant, with the tallest element in the north west corner of the site fronting on to Shoreditch High Street.
- 10.63 The illustration below taken from the applicant's Design and Access Statement illustrates

the location of the taller element of the proposals and shows how this sits with the low and mid rise properties adjacent.



View from Norton Folgate/Shoreditch High Street looking north.

- 10.64 The area is already characterised by a mix of building heights. The Elder Street CAA notes how the scale of development in the area is predominantly 3-4 storeys high with 3-storey Georgian houses in the core of the area, 5-6 storey buildings along Commercial Street, and 12 storey office development to the south as well as the 35-storey Broadgate Tower. It is considered that the group of tall buildings proposed in three volumes with various set backs, will sit comfortably within the site context and would ensure that the development of this site would make a positive contribution to the streetscape.
- 10.65 Consideration has also been given to the potential impacts of the development on surrounding local and strategic views, including views into and out of adjoining conservation areas. The site falls within the strategic linear view corridor of St. Paul's as view from Richmond Park as part of the London View Management Framework. However, the development to the west of the site (201 Bishopsgate) rises above the proposed development and therefore shields the proposal when viewed from Richmond Park.
- 10.66 In terms of local views, the application is accompanied by a number of verified views which following consideration indicates that the proposal will relate positively to the surrounding site context. The design approach for the taller element of the proposal is considered to provide a suitable transition between the historic scale of development in the conservation area to the east and City scale of development to the west, providing an effective middle ground focus of the view. Views of the proposed 9 storey element of the development will be visible from Shoreditch High Street looking south towards the City however these remain in context and 9 storeys is considered to provide an appropriate middle ground between Shoreditch and the City. Views of the taller element when viewed from Fleur-de-Lis Street and Elder Street looking west sit comfortably within the conservation area and are considered to define the boundary for the conservation area, marking the contrast between the rich historic fabric of the conservation area to the east and the expansive glass and steel design of the structures to the west, notably the 35 storey tower at 201 Bishopsgate.

The development is considered to form a positive addition to London's skyline, without causing detriment to local or long distant views, in accordance policies 4B.1, 4B.8, 4B.9 and 4B.10 of the London Plan (2008) and policy SP10 of the Core Strategy (2010) which

seek to ensure tall buildings are appropriately located and of a high standard of design whilst also seeking to protect and enhance regional and locally important views.

Landscaping and Open Space

- 10.67 Policies 3D.8, 4B.1, 4B.2 and 4B.3 of the London Plan (2008), Policies DEV12 and HSG16 of the UDP (1998), Policy DEV13 of Tower Hamlets IPG (2007), and Policies SP02, SP04 and SP12 of the Core Strategy (2010), seek high quality urban and landscape design; promote the good design of public spaces and the provision of green spaces.
- 10.68 More specific to the site, the City Fringe AAP (2007) seeks new developments to maximise publically accessible open space through, for example at Policy CRF5(6), the APP seeks *'small pocket parks within development proposals, particularly higher density office and residential schemes in the west of the area'*.
- 10.69 The site currently has a small courtyard accessed from Blossom Street associated with the public house along Folgate Street. The application proposes to retain, enlarge and upgraded to provide a managed public open space. It is considered that this aspect of the proposal would provide a high quality public amenity space at the heart of the scheme, as well as reinforcing an element of the site's historical identity.
- 10.70 The space (and its access links to Norton Folgate and Blossom Street) would be fully accessible to public use during the daytime with gated security at agreed night time hours with 24hour security management. Considering the sites location within the City Fringe and the commercial nature of the proposal, this is considered acceptable, however, it is recommended that the proposed gating system is conditioned appropriately, including details of the types of gates and their operation. A condition has been suggested to this effect, as detailed above in section 3.
- 10.71 In addition to the reformation of Blossom Place, the application also proposed an extension of the area of open space northwards between the east and west sections of the development. This takes the form of hard surfaced urban courtyard with seating and an amenity space for the benefit of office users. This rectangular shaped courtyard will be accessed from the central core of the commercial development, or via Blossom Place, or via the existing historic archway along Fleur-de-Lis street.
- 10.72 The development does not propose any additional public realm benefits in the wider sense and considering its context within the conservation area, and the impacts of the 17,000sqm of new commercial activity in this City Fringe site, it is considered appropriate that the application contributes towards public realm improvements within the Elder Street Conservation Area. This would be secured through the S.106 agreement. It is also considered appropriate to ensure a right of way walking agreement for crossing through the proposed site across all areas of new public realm created by the proposal.

Amenity

Daylight and Sunlight

- 10.73 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (1991).

Policy 4B.10 of the London Plan (2008) requires that all large-scale buildings, including tall buildings, to pay particular attention in residential environments to amenity and overshadowing. Furthermore, they should be sensitive to their impact on micro-climate in

terms of sun, reflection and overshadowing. Saved Policies DEV1 and DEV2 of the UDP (1998) and Policies DEV1 and DEV27 of the IPG (2007) require that developments should not result in a material deterioration of sunlight and daylight conditions. Core Strategy Policy SP10 also seeks to protect amenity, and promotes well-being including preventing loss of privacy and access to daylight and sunlight.

Daylight

- 10.74 Daylight is normally calculated by two methods – the vertical sky component (VSC) and the average daylight factor (ADF). The latter is considered to be a more detailed and accurate method, since it considers not only the amount of sky visibility on the vertical face of a particular window, but also window and room sizes, plus the room's use.
- 10.75 British Standard 8206 recommends ADF values for residential accommodation and the recommended daylight factor level for dwellings are:
- 2% for kitchens;
 - 1.5% for living rooms; and
 - 1% for bedrooms.
- 10.76 The application is supported by a Daylight Report and demonstrates that an assessment of the proposed accommodation at 5-11a Folgate Street has been undertaken. Of the 25 habitable rooms tested, 23 will comply with the recommended ADF daylight standards outlined above. (This represents 92%)
- 10.77 With regard to VSC, the target design standard for low density suburban housing is 27% VSC. It is recognised that in a high density urban environment such as the City Fringe, existing VSC values may be below 27%. The loss however should be no more than 20%. The assessment concludes that the proposed massing results in no alteration in the VSC experienced by all of the windows within the surrounding properties which means these rooms will continue to receive sufficient levels of daylight.

Sunlight

- 10.78 Sunlight is assessed through the calculation of what is known as the annual probable sunlight hours (APSH). This method of assessment considers the amount of sun available in the summer and winter, for each window within 90 degrees due south.
- 10.79 BRE Guidelines recommend that windows within 90 degrees of due south should receive at least 25% of APSH, including at least 5% APSH during the winter months, in order to receive enough sunlight.
- 10.80 The submitted Sunlight Report indicates that the proposed development shows that the majority of the facades would achieve in excess of 25% total APSH with 5% APSH in the winter months. 46% will exceed the recommended 25% APSH recommended for suburban development, however 89% of the relevant windows assessed will achieve or exceed the recommended 21% APSH. Officers considered this to be acceptable for this urban City Fringe location. This is considered acceptable given the site's context, as the existing situation has not changed and the proposal inherits the existing façade due to the reinstatement of residential uses into the upper floors of the public house. The applicant has however located principle rooms on the southern elevation to maximise available sunlight (as recommended by BRE).
- 10.81 It is considered that the proposed development is generally in keeping with the BRE guidance, Policy 4B.10 of the London Plan (2008), saved Policies DEV1 and DEV2 of the UDP (1998), Policies DEV1 and DEV27 of the IPG (2007) and Policy SP10 of Core

Strategy (2010) with regards to sunlight and daylight, and accordingly the proposals are likely to result in an acceptable standard of living and amenity areas in this regard.

Wind/Microclimate

- 10.82 Policy 4B.10 of the London Plan 2008 requires all large-scale buildings including tall buildings to be sensitive to their impacts on micro-climates in terms of wind, sun, reflection and over-shadowing. Policy DEV1 of the IPG 2007 also seeks to protect the amenity ensuring that development does not adversely affect the surrounding microclimate.
- 10.83 A wind assessment was submitted by the applicant. Using the 'Lawson Comfort Criteria' the wind study determines how suitable the local building environment will be for different human activity.
- 10.84 The Council's EHO has reviewed the assessment however noted that the assessment requires a baseline situation and a proposed situation to allow an assessment the impact of the development on itself and on the surrounding residential buildings. At the time of writing this report, further information has not yet been supplied by the applicant. Members will be updated on this issue by way of an addendum report.
- 10.85 It is therefore considered that the proposed development would be acceptable in terms of the impact on microclimate conditions surrounding the development and would not significantly impact on the pedestrian amenity on the site in accordance with London Plan policy 4B.10, policy DEV1 of the IPG and policy SP10 of the Core Strategy (2010).

Privacy

- 10.86 Core Strategy Policy SP10 seeks to ensure that buildings promote good design principles to create buildings, spaces and places that are high-quality and protect amenity including preventing loss of privacy.
- 10.87 In terms of the 8 new residential units proposed above the public house at 5-11 Folgate Street, the separation distances between the existing properties opposite is approximately 9m. This falls below the recommended distance of 18m between directly facing habitable room windows as set out by paragraph 4.9 (subtext to saved Policy DEV2) of the UDP (1998), however, the UDP also states that this figure will be applied 'as a guideline depending upon the design and layout concerned. The site is situated within a conservation area is characterised by narrow streets and the Arts and Crafts building within which the new residential units are proposed, were originally built with residential use in mind, prior to their gradual conversion to office uses above the public house and officers do not think this privacy distance is uncommon for an urban setting such as the City Fringe.
- 10.88 Furthermore, there have been no objections received by any of the adjoining neighbours regarding loss of privacy.

Noise and Vibration

- 10.89 PPG24 is the principal guidance adopted within England for assessing the impact of noise on proposed developments. The guidance uses noise categories ranging from NEC A where noise doesn't normally need to be considered, through to NEC D where planning permission should normally be refused on noise grounds.
- 10.90 Policy 4A.20 of the London Plan (2008) sets out guidance in relation to noise for new developments and in terms of local policies, saved policies DEV2 and DEV50 of the UDP

(1998), policies DEV1, DEV10, DEV12, DEV27 and HSG15 of the IPG (2007), and policies SP03 and SP10 of the Core Strategy (2010) seek to minimise the adverse effects of noise.

- 10.91 In terms of noise emitted by the proposed development and its impact upon nearby residents, some concerns have been raised by the local publican regarding potential conflict between the pub use and the residential use of the upper floors. As outlined in previous paragraphs, officers do not consider this to be an incompatible use. The applicant will however be required to incorporate suitable noise insulation measures between the A4 and C3 uses following the conversion of the upper floors. It is also considered appropriate to condition the operation of the outdoor terrace area. Finally, conditions are also recommended to ensure any plant and machinery incorporates sufficient noise attenuation measures.
- 10.92 In terms of noise and vibration during demolition and construction, conditions are also recommended which restrict construction hours and noise emissions and requesting the submission of a Construction Management Plan which will further assist in ensuring noise reductions.
- 10.93 As such, it is considered that the proposals are generally in keeping with Planning Policy Guidance Note 24, policy 4A.20 of the London Plan (2008), Saved policies DEV2 and DEV50 of Tower Hamlets UDP (1998), policies DEV1, DEV10, DEV12 and DEV27 of Tower Hamlets IPG (2007), and policies SP03 and SP10 of the Core Strategy (2010).

Air Quality

- 10.94 PPS23 and Policy 4A.19 of the London Plan (2008) relate to the need to consider the impact of a development on air quality. Policies DEV2 of the UDP (1998) and Policy DEV5 of the IPG (2007) and Core Strategy Policy SP02 seek to protect the Borough from the effect of air pollution and Policy DEV11 in particular requires the submission of an air quality assessment where a development is likely to have a significant impact on air quality. Tower Hamlets Air Quality Action Plan (2003) also examines the various measures for improving air quality in the Borough.
- 10.95 The application is supported by an Air Quality Assessment which looks at the local air quality from construction activity as well as operational function of the development proposal. The report concludes that the release of dust from construction activity is likely however through proposed mitigation measures, the impact can be reduced to a negligible level. In terms of operational assessment, and the impact of traffic generation together with impact of potential exposure of future occupants to poor air quality, the study concludes that the development would cause an imperceptible increase in pollution and this is due to the car free nature of the proposal. Overall, it is considered that the impacts on air quality are negligible and any impacts are outweighed by the conservation and regeneration benefits that the development will bring to the area.
- 10.96 During the assessment of the application, the Air Quality EHO requested further information with regards to background concentrations, meteorological data, source of traffic data (and whether TfL factor was applied), and whether the street canyon effect has been taken into account. This information was subsequently provided by the applicant and the air quality assessment was considered comprehensive.
- 10.97 The EHO recommends that any approval is subject to the approval of a Construction Environmental Management Plan (to be conditioned prior to commencement).
- 10.98 As such, the proposal is generally in keeping with PPS23, Policy 4A.19 of the London

Plan (2008), Policy DEV2 of the UDP (1998), Policies DEV5 and DEV11 of the IPG (2007), and Core Strategy SP02 (2010) and the Tower Hamlets Air Quality Action Plan (2003).

Transport

- 10.99 PPG 13 and the London Plan 2008 seek to promote sustainable modes of transport, accessibility, and reduce the need to travel by car.
- 10.100 Saved UDP policies T16, T18, T19 and T21 require the assessment of the operation requirements of the development proposal and the impacts of traffic generation. They also seek to prioritise pedestrians and encourage improvements to the pedestrian environment. IPG policies DEV 17, DEV, 18 and DEV19 require the submission of transport assessments including travel plans and set maximum parking standards for the Borough. Core Strategy policies SP08 and SP09 seek to deliver accessible, efficient and sustainable transport network and to ensure new development has no adverse impact on the safety and capacity of the road network.
- 10.101 The application site is located along the City Fringe within the Central Activities Zone and is well served by public transport with a public transport accessibility level (PTAL) of 6. The site is in close proximity to Liverpool Street underground station (500m) and Shoreditch High Street station (300m). A number of bus services which run along Norton Folgate/ Shoreditch high Street access the City, North and East London routes. As such the site is well located to support a medium to high density office development.
- 10.102 The road network around the site will remains as existing, however, the development proposes to enlarge the existing square/courtyard known as Blossom Place and bring this back into use. Two new access points are also proposed from Shoreditch High Street and 16 Blossom Street. This move is considered to greatly improve the permeability of this site and improve local connectivity in the area in line with the relevant transport and public realm policies outlined above.
- 10.103 In terms of the number of vehicular trips that the proposal will generate and the implications this may have on local network capacity, the application proposes a number of measures to minimise any potentially adverse impacts. These are discussed below as follows:

Servicing and Deliveries

- 10.104 It is proposed that the majority of vehicles servicing the main site will park either at the service bay proposed within in Blossom Place or at the existing parking bay along Shoreditch High Street. All vehicles servicing the adjacent depot site will do so at the existing dropped kerb servicing area adjacent to the Depot building.
- 10.105 Service vehicles to and from Blossom Place are expected to access the site from the north along Blossom St & Fleur de Lis Street. The reason being that Blossom Street is a very narrow street and the size of vehicles that currently access it is restricted to cars and other small vehicles. There are also bollards along southern entrance to Blossom Street to its junction with Folgate Street to restrict vehicular access.
- 10.106 All large vehicles would be unable to access Blossom Place and the servicing of loads normally borne by such vehicles would be done by splitting the load into a number of smaller vehicles or by out of hours servicing along the Shoreditch High Street loading bay.
- 10.107 The Council's Highways Officer has raised some concerns regarding the proposed

servicing of the Depot Site and requested further details relating to the relationship of the replacement building with the servicing bay. There are concerns over whether there will be sufficient clearances to ensure the building won't oversail the footway. Further information has been submitted by the applicant showing a set back of the ground floor plan of this building. However, as the replacement building proposes to overhang the pavement at upper levels, the Highways Officer has confirmed that the applicant may have difficulty obtaining an Highways Oversailing Licence. The applicant has been informed of this situation, however as this requirement is not detailed within development plan policies, it is not considered to warrant a reason for refusal.

- 10.108 In summary, according to the applicant's transport assessment, it is anticipated that the depot Site along Blossom Street will experience 1 x motorcycle, 2 x cars and 2 x transit vans per day and that the main site will experience approx 5 x motorcycles, 12 x cars, 14 x transits throughout the day and it is estimated that almost 50% of service vehicles will be cars or motorcycles.
- 10.109 It is also proposed that servicing and deliveries would be managed and co-ordinated through a Delivery & Servicing Plan (DSP) to be prepared and submitted prior to occupation.

Refuse

- 10.110 In terms of refuse waste storage associated with the commercial aspect of the scheme, an on site waste compactor will be used and brought to ground level via a lift for collection by a refuse vehicle in Blossom Place.
- 10.111 In terms of refuse collection, due to the restricted carriageway width on Blossom Street and Fleur de Lis Street, the applicant has cited concerned that LBTH vehicles may not be able to gain access to the site. The applicant has also suggested that the City of London (who operate 7.75m refuse vehicles) may be able to extend their collection service to include this site. Consultations with Tower Hamlets Officers indicate that the Council has sufficient refuse vehicles to access the site. It is recommended that any grant of permission is subject to a condition requiring the implementation of an agreed Delivery & Servicing Plan (DSP).

Car Parking

- 10.112 Policies 3C.1, 3C.16 and 3C.22 of the London Plan 2004, saved Policy T16 of the UDP, policies DEV17, DEV18 and DEV19 of the IPG and Policy SP09 of the Core Strategy seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision.
- 10.113 On the basis that the site has a high PTAL rating (level 6), no car parking spaces are proposed (except for the provision of 1 disabled blue badge holder space within Blossom Place). It is considered that the car free nature of the proposal will be secured through an appropriate clause in the S106 agreement ensuring a permit free development, precluding those in the development from obtaining commercial or residential parking permits.
- 10.114 A commitment towards the production of a Travel Plan has also been proposed by the applicant and the occupiers of the commercial element of the development will be required to comply with the contents of this Plan. However, TfL have indicated that they require the submission of a Framework Travel Plan at the application stage. This has not been submitted however, following a meeting with TfL on the 28 March, the applicant confirmed their commitment towards the submission of a Framework to TfL. LBTH officers are content with the travel plan objectives set out in the Transport Assessment

and content that the Travel Plan be secured by the S106. As such, and in accordance with policy DEV 18 of the IPG 2007, this will help ensure that the development can manage the travel needs of those working and visiting and increase the range of travel options for the site.

Provision for Cyclists

- 10.115 To facilitate both the commercial and residential element of the development, 142 cycle parking spaces are proposed. This includes 92 x staff spaces to be located at basement level, 26 x visitor spaces along Shoreditch High Street, 10 x residential parking spaces and 14 staff and visitor spaces to facilitate the Depot site.
- 10.116 This exceeds the Council's requirement (92 spaces) and is therefore considered acceptable and in line with the relevant parking policies.

Inclusive Environments

- 10.117 Policies 4B.1, 4B.4, 4B.5 of the London Plan, Saved UDP Policy DEV1 and DEV3 of the IPG seek to ensure that developments are accessible, usable and permeable for all users and that developments can be used easily by as many people as possible without undue effort, separation or special treatment.
- 10.118 A growing awareness of the importance of creating environments that are accessible for all people has led the Council to emphasise the importance of 'inclusive design'. It is considered that the proposed development has been designed with the principles of inclusive design in mind. In broad terms, the site's location within a high PTAL area, alongside the provision of step free access routes across the site, the provision of a new public open space, and the maximising of circulation space at ground floor level of the commercial uses indicates that the site is accessible, usable and permeable for all.
- 10.119 The Councils' Access Officer has however raised some minor specific concerns regarding the access point to the main entrance to the commercial element along Shoreditch High Street due to the proposed provision of revolving doors which are not considered to be wholly inclusive, as they require the provision of a separate special entrance for wheelchair users via separate side pass doors. Officers consider that any approval should condition the submission of further details of all access and egress points to ensure the development does not result in undue separation. A condition has been suggested to this effect, as detailed in section 3.
- 10.120 The Council's Access Officer also recommends that all ramps within the scheme are shallow as possible (preferably 1:20) and if not, justification for an alternative gradient is needed. Officers consider it appropriate to condition such detail to ensure a wholly accessible development. As such, a condition is recommended to this effect.
- 10.121 The residential aspect of the proposal will be designed to Lifetime Homes standards, with one of the 8 units (10%) being a wheelchair accessible and easily adaptable units.

Energy Efficiency

- 10.122 At a national level, PPS22 and PPS1 encourage developments to incorporate renewable energy and to promote energy efficiency. At a strategic level, Policy 4A.4 of the London Plan (2008) requires major developments to submit an energy assessment.
- 10.123 The Mayor's Energy Strategy sets out the Mayor's energy hierarchy which is to:

- Use Less Energy (Be Lean);
 - Supply Energy Efficiently (Be Clean); and
 - Use Renewable Energy (Be Green).
- 10.124 Policy 4A.7 of the London Plan (2008) sets a target reduction of 20% for carbon dioxide emissions from on-site renewable energy generation unless unfeasible.
- 10.125 Saved Policy DEV2 of the UDP (1998), DEV 6 of the IPG (2007) and SP02 of the Core Strategy (2010) seek to incorporate the principle of sustainable development, including use of energy efficient design and materials, promoting renewable technologies.
- 10.126 The application has been accompanied by an Energy Statement prepared by Hoare Lea and both the GLA and the Council's Energy Officers have found the applicant's energy statement to be broadly acceptable. The applicant proposed a CO2 reduction of 30% overall with a breakdown as follows:
- 23% CO2 reduction from energy efficiency measures
 - 7% CO2 reduction from gas fired combined heat and power
 - 1.5% CO2 reduction from photovoltaics
- 10.127 The Energy Strategy has been developed in line with the Mayor's energy hierarchy and the results are as follows:
- Be lean measures – Development is likely to achieve 2010 building regulations through energy efficient measures alone e.g. energy efficiency lighting, improved controls and high performance glazing.
 - Be clean measures – Application proposes a district heating system, a 33kWe gas fired combined heat and power unit, resulting in a reduction of CO2 by 7%, and also solar control glazing, external shading, and ventilation. The commercial element of the scheme will require active cooling via electric chillers.
 - Be green measures – 150sqm of photovoltaic (solar) panels proposed

Sustainability

- 10.128 At a National level, PPS 1 sets out the national sustainability objectives and the supplement to PPS1 Planning and Climate Change, encourages the delivery of sustainable buildings and development.
- 10.129 At a strategic level Policy 4B.6 and 2A.1 of the London Plan (2008) seeks the highest standards of sustainable design and outlines sustainability criteria. Guidance on sustainability is also set out in the Mayor's SPG 'Sustainable Design and Construction'.
- 10.130 Saved Policy DEV2 of UDP (1998) and DEV5 of the IPG (2007) require all developments to incorporate the principles of sustainable development, major developments in particular.
- 10.131 The applicant has submitted a Sustainability Statement and are committed to achieving Code for Sustainable Homes Level 4 and a BREEAM target of excellent.
- 10.132 The Council's Energy Officer welcomes the applicant's commitment to sustainability,

however, it is recommended that these commitments are secured through condition requiring appropriate certification.

Conservation Area Consent

- 10.133 In terms of the application for Conservation Area Consent, the application seeks consent to demolish:
- No. 13 and No. 20 Norton Folgate;
 - No. 2-9 Shoreditch High Street;
 - No.16-17 Blossom Street;
 - No.10 Blossom Street.
- The applications also seek consent to partially reconstruction 14-15 Norton Folgate including façade retention and to refurbish and conserve:
- 16-19 Norton Folgate,
 - 5 -11a Folgate Street and
 - 12-15 Blossom Street;
- 10.134 These works are proposed are to enable the redevelopment of the site and adjoining depot site for commercially led mixed use purposes.
- 10.135 PPS5 requires Local Authorities to take account of a heritage asset's designation and expert advice from bodies such as English Heritage, and its overall value as a heritage asset. PPS5 also requires authorities to take into account the desirability of sustaining and enhancing the significance of heritage assets and the positive contribution of that asset.
- 10.136 There is a presumption in favour of the conservation of designated heritage assets and PSS5 advises that more significant the designated heritage asset, the greater the presumption in favour of its conservation should be.
- 10.137 Authorities are also advised to treat favourably applications that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset.
- 10.138 Policy DEV28 of the UDP and Policy CON2 of the IPG in particular require proposals for the demolition of buildings in conservation areas to be considered against certain criteria such as the desirability of preserving or enhancing the character or appearance of the area; the condition of the building; likely costs of the repair; the adequacy of efforts to maintain the building in use; and the suitability of any proposed replacement building.
- 10.139 In the assessment of the appropriateness of the proposed demolition, officers have had regard to the advice set out in PPS5, the saved Policies from the UDP, adopted IPG and Core Strategy Policies relating to demolition on a conservation area.
- 10.140 It is considered that there are no objections to the proposed demolition of No. 13 and No. 20 Norton Folgate; No. 2-9 Shoreditch High Street; No.16-17 Blossom Street; or No.10 Blossom Street. These properties are not statutory listed buildings and are considered to have either a neutral or negative contribution on the conservation area. They are not considered to be valuable heritage assets.
- 10.141 As outlined in previous sections of this report, there are some buildings within the

application site which are considered to contribute positively to the character and appearance of the Elder Street Conservation Area, however, it is not proposed that these buildings be demolished. Therefore officers raise no objection to the demolition of the proposed buildings. It is also worth noting that English Heritage have raised no objections to extent of demolition proposed. Furthermore, CABE and the GLA raise no objection to the scheme from a conservation and design perspective.

- 10.142 The replacement buildings as described in earlier sections of this report, and are considered to be of high quality and will respect the character and appearance of the conservation area.
- 10.143 The applicant is already committed to the retention of 16-19 Norton Folgate Street, both their facade and internal layout following extensive reconstruction and refurbishment work. At pre-application stage the applicant has attempted to demonstrate that the provision of modern office premises in the CAZ and City Fringe locations requires large floor plate layouts, and were reluctant to retain these historic properties along Norton Folgate. However, in light of the Inspectors comments in relation to the previous appeal scheme and also in light of the comments made by the Council's Conservation Officer, the applicant is now committed to the retention of these buildings in their current layout.
- 10.144 Officers consider the proposed scheme to represent a balanced, coherent and sustainable approach to the redevelopment of the site from a conservation perspective. The extent of preservation, repair and refurbishment of the historic fabric together with the quality of the replacement infill buildings is considered to outweigh the impacts of the proposed demolition. As such, officers raise no objection to the proposed works seeking conservation area consent. It is also recommended that the issuing of Conservation Area Consent be subject to the imposition of a Grampian condition precluding any demolition until the details of the construction contract relating to the planning permission is being submitted and agreed by the Local Planning Authority.

Scheduled Ancient Monument/ Archaeology Issues

- 10.145 Saved Policy DEV42 of the UDP (1996) and CON4 of the IPG (2007) seek to resist development which would adversely affect on archeologically remains including Scheduled Ancient Monuments, require communication with English Heritage and also require the submission of archaeological assessments.
- 10.146 The site falls within the designation of the Scheduled Ancient Monument (SAM) of the medieval Priory and Hospital of St Mary Spital. A SAM is a monument which has been scheduled for protection against disturbance. The monument extends south of Fleur de Lis Street to Spital square. The application site lies over the northern extent of the SAM where elements of the Priory and Hospital of St Mary Spital once stood. The application site is seen to occupy the area where the kitchen garden and orchard area once stood. Many of the existing walls within the site are unusually thick and may contain fragments of earlier walls.
- 10.147 The applicant has submitted an application for Scheduled Monument Consent to the Secretary of State for Culture, Media and Sport in parallel with this planning application. SAM Consent is required before any work can be carried out which might affect a monument either above or below ground level. The proposed development would require excavation at lower ground floor level.

With regard to the any associated archaeological implications, the planning application is accompanied with an Archaeological Evaluation Report.

- 10.148 Following the recommendations of English Heritage, eight evaluation trenches were excavated on the site by the Museum of London Archaeological Services (MOLAS) and their report confirms that no activity relating to the medieval Priory and Hospital of St Mary was found. The report concludes that the development proposals will not be detrimental to the Scheduled Ancient Monument.
- 10.149 However, at the pre-application stage, investigation was carried out at No. 14 Norton Folgate Street, to assess the merit of the internal fabric to clarify the extent of refurbishment needed. The investigation and final report concluded that no elements of its content could be dated to the lifetime of the medieval Priory and Hospital of St Mary Spital. However, some large timbers were found partially exposed. The application is also accompanied by a Timber Report which concludes that these timbers probably dated from 18th century, therefore no element could be dated to the lifetime of the medieval priory and hospital of St Marys Spital.
- 10.150 Regardless, the exposed timber work is considered to have some historic merit and English Heritage consider the timber and other elements of this structure to be worthy of recording. As such, they have recommended that a programme of historic building recording and analysis be conditioned.
- 10.151 This aspect of the proposal accords with PPS5 which notes the importance of documentary recording as a valuable tool in retaining the heritage asset.
- 10.152 As such, the scheme is considered to accord with Saved Policy DEV42 of the UDP (1996) and CON4 of the IPG (2007) which seek to resist development which would adversely affect on archeologically remains including Scheduled Ancient Monuments.

Planning obligations/S106

- 10.153 As set out in Circular 05/2005, planning obligations should only be sought where they meet the 5 key tests. The obligations should be:
- (i) Relevant to planning;
 - (ii) Necessary to make the proposed development acceptable in planning terms;
 - (iii) Directly related to the proposed development;
 - (iv) Fairly and reasonably related in scale and kind to the proposed development; and
 - (v) Reasonable in all other respects.
- 10.154 More recently, regulation 122 of the Community Infrastructure Levy Regulations 2010 brings into law policy tests for planning obligations which can only constitute a reason for granting planning permission where they are:
- (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and
 - (c) Are fairly and reasonably related in scale and kind to the development.
- 10.155 Policies 6A.5 of the London Plan (2008), Saved policy DEV4 of the UDP (1998), policy IMP1 of the IPG (2007) and policy SP13 in the Core Strategy (2010) seek to negotiate planning obligations through their deliverance in kind or through financial contributions.
- 10.156 LBTH Officers have identified the following contributions to mitigate against the impacts of the proposed development. As such, it is recommended that a S106 legal agreement secure the following Heads of Terms:

- Contribution of £108,840 towards Enterprise and Employment;
- Contribution of £270,000 towards Environmental Improvements and Public Art in Elder Street Conservation Area;
- Contributions of £300,000 towards Public Realm/Street Scene Improvements for Pedestrians and Cyclists

Non-Financial Obligations:

- Recording, display and interpretation of archaeological finds in a publicly accessible location within the site;
- Right of way walking agreement for crossing through the proposed site across all areas of new public realm created by the proposal;
- Travel plan preparation and implementation;
- Travel plan co-ordinator for implementation and monitoring;
- Car free agreement;
- TV reception monitoring and mitigation.
- Local labour construction and skillmatch

Employment, Training and Enterprise

- 10.157 As set out in the Council's Annual Monitoring Report 2010, Tower Hamlets has one of the lowest employment rates in the country at 59.6% compared to the national average of 70.7%. The number of Jobseekers Allowance claimants has also increased (from 9,880 in April 2009 to 10,365 in March 2010) with the majority of claimants seeking employment in sales and customer service, elementary, administrative & secretarial and skilled trades occupations.
- 10.158 This highlights the issue of unemployment in the Borough and the need for new development to undertake best endeavours to employing local people at the pre and post development phases.
- 10.159 With this in mind, this development has the potential to mitigate against the problem of unemployment in the Borough. As such, a sum of £108,840 was considered and agreed by the Council's Planning Contributions Overview Panel (PCOP) towards the training and development of unemployed residents in the Borough. Officers in Enterprise and Employment considered this to be appropriate.
- 10.160 This calculation is based on a pro-rata approach and based on similar developments where a standard practice of £10/sqm was calculated based on the uplift of net commercial floor space.
- 10.161 In terms of non-financial obligations, the applicant has also been asked to consider to use best endeavours to ensure that:
- Up to 20% of the construction phase workforce will be local residents of Tower Hamlets through the Council's Skillsmatch Construction Service.
 - Up to 20% of goods/services procured during the construction of the development, be achieved by businesses in Tower Hamlets to ensure that small and medium local businesses in this area and across the Borough, benefit from this development.
 - A target of 30% of the jobs created in the final development to be secured by local residents of Tower Hamlets, to be provided through the Council's Skillsmatch service (e.g retail, hospitality, admin, security).

Environmental Improvements and Public Art in Elder Street Conservation Area

- 10.162 The development is considered to have an impact on the heritage assets found within and around the Elder Street Conservation Area. The potential impact of the redevelopment of the Nicholls and Clarke site in particular is referred to specifically in the Elder Street Conservation Area Character Appraisal and Management Plan and it sets out a number of priorities for the area, one of which includes the undertaking of a public realm study and the implementation of improvements to historic streetscape.
- 10.163 Objective 3.2 of the Council's Conservation Strategy (October 2010) in particular seeks to increase the resources available for the Borough's heritage both management and financial. These opportunities include opportunities for increased contribution from the commercial sector through CIL and S106 agreements.

Some of the actions for 2011-2012 arising from the Council's Conservation Strategy includes:

- *Complete and maintain a Heritage at Risk register and work with register to remove buildings at risk.*
- *Develop and maintain an integrated accessible electronic database of heritage information for the Borough.*
- *Develop and implement an updated database of locally important buildings.*

- 10.164 The site's location within in the City Fringe as well as the Elder Street Conservation Area, brings with it many pressures on the character and appearance of the conservation area. Therefore a contribution both towards heritage conservation work generally and specific environmental improvement works within the conservation area are sought.
- 10.165 A contribution towards the provision of public art is also considered appropriate to enhance the adjoining streetscape, however, and in this instance it is considered appropriate to link the provision of public art to the conservation area enhancements.
- 10.166 The development of the nearby Bishop's Square included a planning contribution of £4.3m towards conservation area improvements and public art within the overall package of £8.5m. Taking a pro rata approach based on floor space uplift a contribution of £270,000 towards environmental improvements and public art within Elder Street Conservation Area is sought. This will be spent on street – on going work regarding an updated database of locally important buildings; the establishment of a 'Heritage at Risk' register, improvements to buildings at risk in the Elder Street Conservation Area, historic signage within the proposed public square 'Blossom Place' and general enhancement works to the conservation area.

Public Realm/Street Scene Improvements for Pedestrians and Cyclists

- 10.168 Given the provision of over 17,000sqm of new office floorspace and the car free/permit free nature of the development, a high footfall along the Norton Folgate and Bishopsgate is anticipated. It is considered that the majority of the impacts will be felt on the footways and the pedestrian environment between the near by stations (Shoreditch High Street and Liverpool Street) and the application site. Therefore it is considered appropriate to seek contributions towards public realm and highway improvements in order to mitigate the increased trip generation via pedestrian footfall and cycling generated by the proposed development.
- 10.169 Furthermore, the Spitalfields and Banglatown ward is also noted has having the highest

reported crime rate in the Borough and the quality of the public realm has been identified as one of the factors contributing to crime hot spots.

- 10.170 Improvements to the public realm are considered necessary to provide a safe pedestrian route between the application site and the main transport interchange at Shoreditch High Street. The current route is undesirable and unsafe due to its condition, and therefore it is necessary to bring the pedestrian route to an appropriate standard for the increased pedestrian footfall generated by the proposed development.
- 10.171 Contributions would be used to improve footways, highway surfaces, street lighting, pedestrian crossing facilities, way finding schemes to signpost pedestrians and visitors to surrounding destinations and also be used for a contribution towards cycle route and infrastructure provision as identified within Tower Hamlets Cycle Strategy: Cycling Connections.
- 10.172 A sum of £300k was considered and agreed by the Council's Planning Contributions Overview Panel (PCOP) late last year taking a pro-rata approach to similar developments in the area (such as Suttons Wharf South, 41-59 Three Colts Lane, Block C Trumans Brewery).
- 10.173 This figure relates to the scale and nature of the proposed and is based on the expected number of trips generated by this development using an approximate figure of £95 per one way daily trip.
- 10.174 Based on the 923 office employees expected to arise from this development, this will result in 1,722 one-way trips and a total trip generation of 3,444. Therefore by applying the average cost of one trip (£95) x the total number of trips (3,444) = a contribution of £327,180 would be required to mitigate the impact of this development. However, a sum of £300k is considered reasonable in light of the fact that officers and PCOP having previously agreed this sum with the applicant at the pre-application stage.

Travel Plan monitoring

- 10.175 Travel plans are considered to be a key tool to ensure developments minimise any adverse environmental impacts of the travel demand that it generates. Development of the nature and scale proposed at the Nicholls and Clarke site will generate additional travel demands over and above the existing use considering its relevant redundant nature at present, and as such, a Travel Plan will be required. The agreement will also seek to secure a travel plan co-ordinator to ensure implementation of the travel plan and on going monitoring;
- 10.176 A standard contribution of £3,000 is also requested towards the Council's costs of monitoring the implementation of the travel plan over a five year period.

Crossrail

- 10.177 In addition to contributions requested by Tower Hamlets, TfL have requested a contribution of £1,415,591 towards Crossrail in accordance with Policy 3C.12A of the London Plan (2008) which seek contributions from developments likely to add to or create congestion on London's rail network that Crossrail is intended to mitigate
- 10.178 According to the Mayor's SPG on 'The Use of Planning Obligations in the Funding of Crossrail', a tariff approach is used based on the location of the development, the nature of the uses proposed and the amount of increased floor space.

- 10.179 During both the pre-application stage and application stage, the applicant has raised concerns regarding the cost of the Crossrail contribution and what impacts this contribution will have on the viability of the scheme. A viability assessment was carried out by the applicant in support of their position and submitted to the Council and TfL under separate confidential cover. This was discussed at a meeting between TfL, LBTH officers and the applicant's viability assessors on 28 March 2011 and it was concluded that TfL would take the applicant's case to the Mayor for consideration of exceptional circumstances considering site constraints and viability. At the time of writing this report, the case had not been presented to the Mayor and it is anticipated that a meeting take place on 4th /11th April. The outcome of this meeting will be presented to Members in an addendum report.
- 10.180 Despite the unresolved contribution towards Crossrail, the remaining contribution package is considered sufficient to mitigate against the impacts of the development in line with Policy 6A.5 of the London Plan, Policy DEV4 in the UDP, Policy IMP1 of the IPG (2007) and Policy SP13 in the Core Strategy (2010).

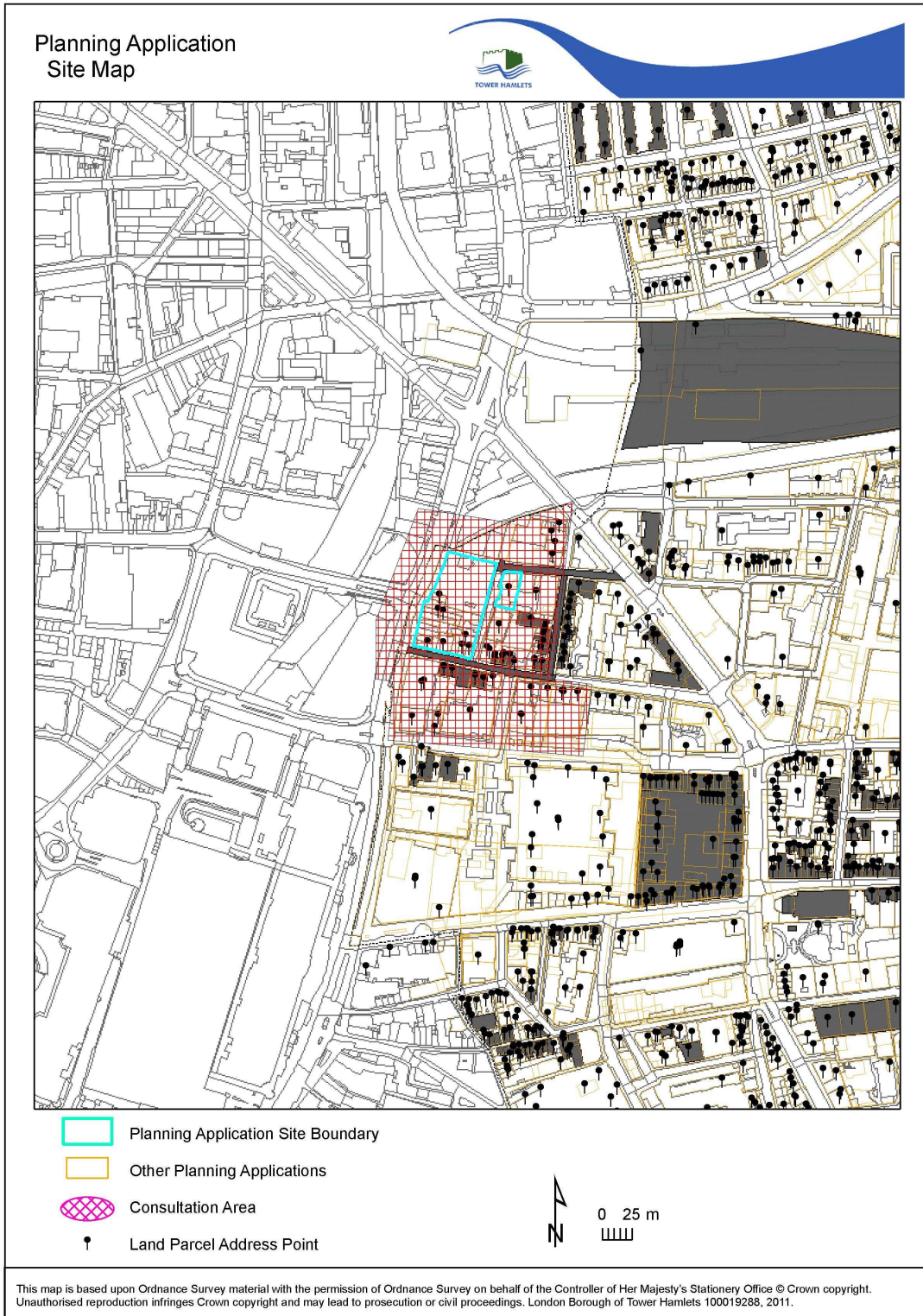
11 CONCLUSION

- 11.1 It is considered that this application represents a marked improvement to the previously refused scheme. On balance, it is considered that this application will bring a number of regenerative benefits to the immediate area and the wider Borough through the provision of new office floor space in this prime City fringe location. The application is also considered to find a successful balance between the provision of new large floor plate office space appropriate for designated Preferred Office Locations, and the national, regional and local requirements to preserve and enhance heritage assets such as that of the Elder Street Conservation Area.
- 11.2 Whilst respecting the designation of this site as a preferred office location within the Central Activities Zone, the scheme introduces an acceptable mix of uses, including residential and retail space which is considered will deliver a more sustainable community in this location.
- 11.3 The proposed demolition of buildings which are considered to detract from the conservation area, along side the retention and refurbishment of others properties which are considered to contribute more positively, are considered acceptable and in accordance with the objectives of PPS5 and the relevant UDP, IPG and Core Strategy Policies outlined above.
- 11.4 The development is considered to form a positive addition to London's skyline, without causing any detriment to local or long distant views. Furthermore, the height, scale, bulk and over all design approach for the scheme is considered to be of high quality and considered to provide a successful balance between respecting the character and appearance of the Elder Street Conservation Area, and the commercial character of this City fringe location and therefore accords with the relevant design policies outlined above.
- 11.5 The development will provide an acceptable standard of accommodation for urban type living, including acceptable internal space standards and layout, with a private amenity provision which exceeds strategic and local standards. Furthermore, it is not considered that the development will result in any significant adverse impacts to local residential amenity in terms of loss of privacy, daylight, sunlight, noise or microclimate conditions.
- 11.6 Through the provision of renewable technologies and a number of sustainable development practices, the development will maximise the energy efficiency of this development and through a commitment towards a permit free/car free agreement, and a

service and delivery management plan, the scheme will minimise parking and promote sustainable transport options for future users of the site.

12 CONCLUSION

12.1 All other relevant policies and considerations have been taken into account. Planning permission should be **approved** for the reasons set out in RECOMMENDATION section of this report.



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